

STATE AGRICULTURE DEVELOPMENT COMMITTEE

**Department of Agriculture
Market and Warren Streets
1st Floor Auditorium
Trenton, NJ 08625**

REGULAR MEETING

January 24, 2013

Chairman Fisher called the meeting to order at 9:20 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Douglas Fisher, Chairperson (Left the meeting at 9:39 a.m., returned to meeting at 11:13 a.m.)

Fawn McGee (rep. DEP Commissioner Martin)

Brian Schilling (rep. Executive Dean Goodman)

James Requa (rep. DCA Commissioner Constable)

Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)

Denis C. Germano, Esq.

James Waltman

Torrey Reade

Peter Johnson

Jane R. Brodhecker

Alan A. Danser, Vice Chairman

Members Absent

None

Susan E. Payne, Executive Director
Jason Stypinski, Deputy Attorney General

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Timothy Brill, Steve Bruder, Paul Burns, Ed Ireland, Charles Roohr, John Denlinger, Bryan Lofberg, Jeffrey Everett, Judy Andrejko, David Kimmel, Cindy Roberts, Hope Gruzlovic, Jessica Uttal and Patricia Riccitello, SADC staff; Kerstin Sundstrom, Governor's Authorities Unit; Nicki Goger, New Jersey Farm

Ms. Payne stated that the appropriation bills are still awaiting signature by the Governor. Staff will continue to keep the Committee apprised.

- On-Farm Direct Marketing Agricultural Management Practice (AMP) Draft Rules

Ms. Payne stated that since she has to leave the meeting shortly and will not be present for the discussion on the draft AMP rules, she wanted to point out a couple of items for the Committee. All rules promulgated by all agencies have to be submitted to a Governor's Office website that reviews proposed rules prior to adoption. We have not yet received the go-ahead for these draft rules at this time. Unfortunately, staff did not get them to the Governor's Office within the full 14-day period that they need to see them in advance. The Governor's Office has asked that the SADC not take final action today. The draft rules will, therefore, have to come back to the Committee at its February meeting for final action. We still would like the Committee to have a conversation today to make sure that the draft is what the Committee wants. She noted we have some guests today from the public who have interest in the draft rules. She stated there was a letter that was received yesterday from attorney Anthony Sposaro (last item in Tab 5 of the meeting books). His letter indicated concerns regarding the issue of jurisdiction that was discussed at the Committee's last meeting. There will be some discussion of that today and also some public comment on that issue. She is assuming at this point, since the Committee will not be taking action today, that the concerns here will be re-addressed and discussed over the next month to see if there is anything else that needs to be changed before the draft rules move forward. She would encourage the Committee and the public present today to provide comments today as we need to get this finalized and into the New Jersey Register so we can move forward on the many other issues that need to be done.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders.

PUBLIC COMMENT

Kurt Alstede, a farm owner in Chester Township, Morris County, addressed the Committee regarding the On-Farm Direct Marketing Agricultural Management Practice (AMP) draft rule. He stated that Dale Davis, who also is a farmer and sits on the Morris CADB, is present today. He referred the Committee to the letter from Mr. Sposaro regarding the draft AMP. He stated that he appreciates the time staff has spent on this draft rule and he knows it has been a tough, long drawn-out process. Mr. Alstede stated that when Mr. Sposaro spoke to him about

can't hire because it doesn't have the funds perhaps. Then we get punted back to the planning board in our town or the board of adjustment and then we are dead. The whole reason we came to the CADB was to get a fair hearing. Of course there is no guarantee that the CADB is going to agree with what a farmer wants all the time, but at least we know that there is the opportunity for a fair hearing. That is all they are seeking. He would like to urge the Committee today to allow some time for us to get a meeting with New Jersey Farm Bureau, Mr. Sposaro, Ms. Payne and other appropriate SADC staff and let's see if there is something we can do. If it is a matter of a rule, if it's a matter of even a small legislative remedy, we accomplished the unimaginable in 1998 and what we need to accomplish here is minuscule to what we did in 1998. We can certainly get the sponsors and he would imagine we could get this through without a lot of difficulty because what we are seeking to do is very consistent with the charge that the Legislature has placed in the Right to Farm Act. He referenced a paragraph from Mr. Sposaro's letter quoting the Supreme Court on the denHollander case. There is nothing in the denHollander case from the Supreme Court that said, well if it's too complex just step back and kick it back to the town. Quite the opposite – the Supreme Court affirms that not only is the CADB the appropriate place for these cases to be heard but that they should be heard there and that they trust the CADBs to come up with good decisions. So if the Supreme Court affirms that action, the Legislature intends the CADB to do that, all we have to do is change the rules that we can escrow funds, pay for professionals if the CADB determines that we need them or charge an application fee. Let's do that. Move the AMP without that language if you need to so that you can get it done and get it out there working, and allow us the time to address this rule and get it passed.

Chairman Fisher thanked Mr. Alstede for his comments. He stated that Mr. Alstede has a premier operation. He asked Mr. Davis if he had any comments. Mr. Davis stated that Mr. Alstede eloquently said everything that he would have said.

Nicole Goger from the New Jersey Farm Bureau stated that last month the Farm Bureau submitted a couple of comments on the AMP and the additional rules that the SADC is proposing along with it. Since then, Farm Bureau has spoken with Mr. Alstede and other constituents and members, reviewed Mr. Sposaro's letter and agrees that giving everything back to the municipalities is a potentially scary scenario for the Farm Bureau and its membership. She is glad to hear this is tabled, and the Farm Bureau would look forward to working with the SADC to come up with a solution to this issue.

Chairman Fisher stated that the issue that has been brought up will either be addressed through the AMP or legislatively perhaps. We are still going to end up

but that information has not been submitted. Staff does have some additional geological information that we'll work with DEP in analyzing. Staff has had a good working relationship with the Bureau of Water Allocation in particular, to help us analyze the implications for the Smith Farm in the future. The WTMUA has assured us that the results are all very positive with respect to water use but we want to hear that from the NJDEP as well. The plan as it stands right now is for the WTMUA to stay within its current water allocation for this service area and retire at least one other well that has some problematic conditions. Ultimately, the NJDEP needs to sign off on the configuration of all the wells and how they are used within the water system. Currently, the NJDEP has one water allocation for the Schooley's Mountain system and the Hager Water system in the Valley. There is no interconnection between the two systems but when the water allocation was set up, NJDEP gave one allocation to both systems. NJDEP is in the process of dividing that between the two systems so there will be one limitation for the mountain system and one for the valley system. Also, there are some decisions that need to be made with respect to the emergency water use limitations that are in place during the summer. There continues to be a problem with unaccounted for water loss, particularly in the mountain system. All of this also needs to be approved by the Highlands Council before the NJDEP will take action.

Mr. Brill stated that the WTMUA provided staff with a little more information on the sphere of influence. This well seems to be impacting a specific area, shown on the slide, and we want to get those details. Ultimately, we need to ensure that the agricultural uses on the Smith Farm going forward will have access to water for agricultural purposes while the public demands are being met. Staff will need to evaluate, based on the result of that information, whether the buffer area is adequate. Right now, a fifty-foot radius is the minimum buffer requirement for minor pollutant sources. There are certain types of agricultural operations that can trigger a shift into a major pollutant source category that would require additional buffers. Right now, the easement that has been approved is only fifty feet from the well in all directions. Staff will also look at the appraisal implications as to whether or not these new conditions on the farm related to the well have an impact on the agricultural value. At this point in time staff has discussed the situation with the County of Morris and they have requested a six-month extension on their conditional final approval. Staff recommendation is to grant an extension of six months until July 28, 2013 along with additional conditions, as outlined in Resolution FY2013R1(1). Mr. Brill stated that the state funding to provide a match for the county funds is still available and staff is recommending that we don't move that into other needs at this time.

It was moved by Mr. Germano and seconded by Mr. Danser to approve Resolution FY2013R1(1) granting an extension of the conditional final approval of the Robert W. Smith farm (SADC #14-0096-PG), Washington Township, Morris County, for a period of six months, until July 28, 2013. Upon receipt of information supporting the determinations set forth in the Resolution, the SADC reserves complete authority to reassess the validity of the appraisals, both in the "before" and "after" valuations, upon

Mr. Danser asked if there were other questions or comments.

Mr. Schilling asked how formal was the Office of Attorney General's office advice that CADBs cannot establish escrow accounts in connection with review of right-to-farm matters. Mr. Stypinski stated that it was informal. He stated that his office looked at the statute that gives the CADBs powers. Those powers don't include the right to include escrows. Mr. Siegel stated then it is not statutorily authorized. Mr. Stypinski responded that was correct, as opposed to when you look at the MLUL there's at least implied authority for the planning boards to do that. Mr. Siegel stated that a large number of our planning boards reside in municipalities that have minimal staff resources so they don't have engineers or if they do, the engineers don't have time to spend on this, so you would need to hire someone. The larger municipalities probably don't do this escrow requirement because they don't need it. They have the staff support.

Mr. Germano stated that even when municipal planning boards and zoning boards do have staff, the Municipal Land Use Law (MLUL) provides that the applicants pay them and the municipality to defray their salaries. He stated the theory is that taxpayers shouldn't pay for landowners to develop their land; that shouldn't be a cost that is passed on to the taxpayer.

Mr. Danser stated it is complicated because the CADBs do not at this point have the expertise that the planning board would have and yet they should be the ones that are doing the review. He stated that he chairs a CADB and when you have one of these come along that requires some expertise, the staff is not there and the members really aren't up to speed and haven't dealt with an application that gets into traffic and drainage and things that a lot of decisions need to consider. Mr. Siegel asked if you couldn't refer these cases to the county Office of Engineering. Mr. Danser stated you can go to the county for help and the county gets lots of help from the county planning board staff but the expertise isn't there.

Ms. Reade asked about partnering with the Soil Conservation Districts if it is an engineering issue because they are dealing with soil disturbance and they have the right to ask for escrowing the fees. Mr. Stypinski stated that we can look at that to see whether or not you can partner with the Soil Conservation Districts to do that. Mr. Germano stated even if you can do that, it would only generate money for issues that the Districts get involved in – there are others. The Committee discussed various types of non-soil disturbance issues that could require the need to escrow, including those requiring traffic expertise.

Mr. Siegel stated the other issue is a landowner wants to develop or do something on a piece of property and he has multiple expenses, one of which is to provide professional

Ms. McGee stated that she had consulted with DEP's stormwater management program on this portion of the draft rule and the program did have comments. The program is in support of the municipal review of agricultural development for stormwater management. However, the language at 2:76-2.3(k) should be modified to clarify that all requirements of the Stormwater Management rules at N.J.A.C. 7:8 shall be reviewed by the municipality, regardless of whether or not the municipality has adopted an ordinance that exceeds the minimum requirements of N.J.A.C. 7:8. She thinks that they just want to make sure that regardless of who is doing any kind of review that the storm management rules are what they are and they have to be followed regardless. Mr. Waltman stated he had that same concern when he reviewed this more closely because those regulations are very clear. They authorize municipalities, and it is rarely done, but occasionally a municipality will enact a stormwater ordinance locally that is responding to a specific problem or issue in that town and it may be a little different than the state regulation so the municipality is acting as the officer of the state to protect the residents of that municipality from the negative effects of stormwater. If the CADB cannot or presumably isn't authorized to overrule a municipality if it is exceeding a regulation, but the state regulation authorizes the municipality to exceed a minimum ... he thinks that needs more discussion and would like that fleshed out a bit. Mr. Germano stated that in line with Mr. Waltman's comment, what denHollander says is the CADBs have jurisdiction. Mr. Waltman that he didn't think denHollander says that. When he read that passage, and it was an important passage, he thought it was a very general statement by the Court, but it wasn't addressing the specific issue of stormwater because DEP has that authority, and that responsibility it then delegates to the municipalities. Mr. Danser stated that his concern would be that the specific stormwater problem that the municipality is addressing is the farm market that they don't want to expand. Mr. Waltman stated yes, but their ordinances don't work that way. It's not like they are going to adopt an ordinance that is clearly trying to get around right to farm. Mr. Germano stated that within the last five years, every municipality in the state ended up doing amendments to their master plans; they all adopted the same thing. Mr. Waltman stated some did a little bit different but most did exactly the same thing. Mr. Germano stated that he thinks the authority is the CADB, just like we override zoning ordinances.

Mr. Siegel asked whether when municipalities are adopting the FEMA Hazardous Mitigation Lands, have they in some cases had to amend their stormwater ordinances? Ms. McGee stated she could look at some of them. He asked if Ms. McGee could inquire as to whom he could ask because, speaking from the perspective now of the funding agency, the GSPT not the Treasury, they have encouraged hazardous mitigation site planning for the simple reason that projects qualify for federal money. We are getting 8 percent federal money for 20 percent state money on these so-called Blue Acres acquisitions. In order to do that you first have to have a hazardous site mitigation plan. He thinks the way the draft rules are written is fine because they require compliance with state regulations. The state regulation in this case very specifically authorizes municipalities to add increased requirements in a specific watershed. So he agrees with

severable exception area to remain on the premises in the event the severable exception is sold off. She presented several photos of small wind turbines installed on farmland in New Jersey and reviewed evaluation criteria for applications for small-wind energy on preserved farms. The draft rules reinforce deed of easement restrictions regarding the need to take appropriate measures to address soil and water resource concerns on the premises. She stated that while the draft rules require wind facilities to be located and configured to maximize use of the premises for agricultural/horticultural purposes, staff recognizes that wind energy is much more site-sensitive than solar and landowners may not have multiple viable siting options. However, where they do have such options, this criterion should be considered. For small wind, use of existing roadways should be maximized and new roads should be designed as grassed roadways. Decommissioning standards require that all small wind facilities be removed from the premises, including underground foundations and cables to a depth of 36 inches.

Ms. Gruzlovic noted that large wind has a much greater impact on farmland and, therefore, the draft rules' standards are more prescriptive. She stated that in developing the standards for large wind energy generation, staff found guidelines issued by the New York Department of Agriculture and Markets very helpful. That agency has supervised the installation of several wind turbines on farmland in New York state and has a great deal of experience with the resulting impacts to the land. She presented a portion of a Powerpoint presentation compiled by the New York agency that contained photos of various stages of large wind turbine construction. Issues illustrated by these photos included the importance of stripping topsoil from work areas and keeping stripped topsoil stockpiled separately from subsoil and rocks; factors to consider in locating access roads; the potential for soil compaction and drainage issues; and restoration considerations.

Ms. Gruzlovic stated that the regulatory criteria for large wind address the same basic issues as small wind but contain more specific requirements. For example, there is heavy reliance on completing certain work in accordance with a conservation plan. Site disturbance cannot exceed 2 acres on the premises to account for the greater degree of disturbance large wind projects require. Other criteria address stripping of topsoil from work areas, construction of access roads, and restrictions on construction-related vehicle equipment traffic and parking. Post-construction requirements include removal of all excess construction material, replacement of topsoil, decompaction of soil to 12 inches or that area will be considered part of the occupied area; and review of the restored site for the next two growing seasons to identify drainage, compaction and other potential problems. She stated that the draft rule requires landowners purchasing wind energy facilities over time to assume ownership of the facilities within 20 years. Researching the useful life of wind turbines, we see a range from 20 to 30 years – most commonly around 20 years. She said she wanted to look at these types of purchase agreements to see if there's a clearer standard. The Committee members noted that assuming ownership of facilities at 20 years presents substantial financial issues for landowners who need to maintain and decommission older wind energy facilities, and that they should be aware of

Soil and Water Conservation Cost-Share Extension Amount: \$5,265.62
Extended to: November 5, 2013

The motion was approved. (Secretary Fisher was absent for the vote.) (Copies of Resolution FY2013R1(2) and Resolution FY2013R1(3) are attached to and are a part of these minutes.)

C. Eight-Year Farmland Preservation Program – Renewals, Terminations and Withdrawals

Mr. Lofberg referred the Committee to the Eight-Year Program Summary Report, showing no renewals or withdrawals of eight-year programs. There were five terminations of eight-year programs, as outlined on the summary report. He stated that this is informational for the Committee only and that no action is needed.

Secretary Fisher and Susan return to the meeting at this point.

D. Resolution for Certification – Agricultural Development Area Amendments
1. Hunterdon County

Mr. Bruder referred the Committee to Resolution FY2013R1(4) for a request by the Hunterdon County Agriculture Development Board (HCADB) to certify the amendment to its Agricultural Development Area (ADA) map to include Block 94, Lot 11, in the Township of Readington. He stated that this involves a parcel that was omitted from Hunterdon County's ADA at the request of a group of landowners who had an agreement with Toll Brothers for a development project on Route 202. The original intent of the Township and the County was to include this parcel in the ADA but the landowners requested that it not be included and as a result it was left out. In the meantime, the agreement expired with the developers, the Township intervened and acquired the property in fee and we are at the point now of moving ahead with the preservation application that requires the parcel to be in the ADA. In October 2011, the Hunterdon CADB updated its designated ADA map at the request of the Township to include Block 94, Lot 11. The HCADB held a public hearing in December 2012 to consider public comment on the proposed amendment, with no one providing any additional information on the proposed change. The HCADB is requesting the SADC's certification. Staff recommendation is to certify the ADA amendments, as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2013R1(4) certifying the amendment to the Hunterdon CADB's ADA map to include Block 94, Lot 11, in Readington Township, as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2013R1(4) is attached to and is a part of these minutes.)

along existing lot lines and had title insurance but somehow this did not come to light. The Deed of Easement references six existing residences, one agricultural labor residence, no residual dwelling site opportunities and no exception areas. The owners conveyed Block 22, Lot 7 in Pilesgrove Township and Block 21, Lots 1 and 2 and Block 22, Lot 10 in Oldmans Township to Edward and Barbara Byrnes, who are long-time farmers in the area, currently farming approximately 1,100 acres in various fresh-market vegetables. The Byrneses have a home farm adjacent to the premises and have rented the premises from the DuBoises for 20 years.

The Byrneses purchased the property to increase their land holdings to allow for expansion of their operation. During review of comparable sales in the summer of 2012, SADC staff determined that Block 22, Lot 7 in Pilesgrove Township and Block 21, Lots 1 and 2 and Block 22, Lot 10 in Oldmans Township had been conveyed to the Byrneses without SADC or CADB approval and advised the CADB accordingly. The Salem CADB advised the owners and purchasers that the property was not in compliance with the Deed of Easement and that a request for a division of the premises, approved by the CADB and SADC, was necessary.

The owners propose to divide the property as follows: The DuBoises have retained ownership of Block 22, Lot 3, in Pilesgrove Township (Parcel "A") and sold Block 22, Lot 7, in Pilesgrove Township and Block 21, Lots 1 and 2 and Block 22, Lot 10 in Oldmans Township (Parcel "B") to Edward and Barbara Byrnes. The CADB approved the request to divide the premises into two parcels along existing lot lines. Parcel "A" would consist of 147+/- acres and includes four existing single-family residences and several farm outbuildings. Parcel "A" is improved with an irrigation pond, an irrigation well and underground mains over the entire parcel. Parcel "B" consists of 129+/- acres and includes two existing single-family residences, an agricultural labor dormitory and several farm outbuildings. Parcel "B" is improved with an irrigation pond and underground mains through the entire parcel.

Staff recommendation is to approve the request for a division of the premises as presented and discussed.

It was moved by Mr. Germano and seconded by Ms. Reade to approve Resolution FY2013R1(6) granting a request to divide the premises of the Harry and Jean DuBois and the Estate of Maurice DuBois, known as Block 22, Lots 3 and 7 in Pilesgrove Township, Salem County, and Block 21, Lots 1 and 2, and Block 22, Lot 10, Oldmans Township, Salem County, 276.80 acres, as follows, subject to the recording of the SADC's approval Resolution and any other conditions of said Resolution:

Parcel A – Block 22, Lot 3, Pilesgrove Township, Salem County

relying on is that if they had come in beforehand it would have met the test and been approved. They are just trying to undo what went wrong. Ms. Reade stated that the concern is if the community thinks that this is a good way to do it. Mr. Byrnes owns a lot of preserved land and there are other high-profile large landowners in that area, so if this starts to be the way of doing business, that is the concern.

Ms. Payne stated that sometimes you'll see a title report and it will say "exceptions to title mortgage" and then it says "any other easement of record." Sometimes there is this throw-away language and if you accept a title report that has this kind of disclaimer in it then you'll be on your own. She doesn't know exactly how far into anything they got but someone dropped the ball, either the attorney who reviewed it or the title company never found it or no one looked closely enough.

Chairman Fisher stated that there is a precedent here and folks come here all the time with this. Ms. Payne stated we have done a few of these. Mr. Germano stated that we do these on a case-by-case basis. We never like it but there are times where we have said no and times where we have said yes.

The motion was approved. (Mr. Waltman opposed). (A copy of Resolution FY2013R1(6) is attached to and is a part of these minutes.)

Chairman Fisher stated that going forward possibly we need to do a better job making people and title companies understand that there could be consequences in doing this without approvals.

Ms. Payne stated that one of the issues staff wants to accomplish in the next year is a pro-active outreach on post-closing issues. She wants to have meetings in every county, inviting preserved property owners. She would like to create a newsletter that is sent to all owners of preserved farmland. Staff will do as much as they can but it is not going to avoid every situation. The question becomes whether the Committee wants to entertain rule changes to deal with this. Do we need to introduce penalties, or raise the stakes on this kind of thing? Staff is open to the Committee's thoughts or suggestions. We don't want to come across as heavy-handed to the agricultural community but on the other hand we are not here to clean up everyone's mess. Mr. Danser suggested mentioning it in the monitoring letter so that it reminds people. Chairman Fisher stated that everyone should know and be advised going forward that somewhere down the line when something like this happens, there is always the chance that the Committee is going to say no. Therefore, however you can communicate to the boards and the public, it would be good to relay that information. Mr. Schilling stated that from a procedural standpoint the landowner in this case didn't miss any steps; he went through title search, and there was a delinquency there. Ms. Payne stated that as staff conveys this approval we can state this in the letter to both the buyer and the seller to put them on record that they cannot do this going forward.

Ms. Winzinger referred the Committee to two requests for final approval under the Nonprofit Grant Program. She reviewed the specifics for each request and stated that staff recommendation is to grant final approval, as presented and discussed.

It was moved by Mr. Regua and seconded by Mr. Waltman to approve Resolution FY2013R1(8) and FY2013R1(9) granting final approval to the following applications, as presented and discussed, subject to any conditions of said Resolutions:

1. Hunterdon Land Trust/Horoschak Farm, SADC # 10-0061-NP (Resolution FY2013R1(8))
Block 49, Lots 16 and 18, Franklin Township, Hunterdon County, 133 Acres
Cost-share grant not to exceed \$3,325.00 per acre (total of approximately \$399,000.00 based on 120 acres) to the Hunterdon Land Trust for the development easement acquisition on this property, subject to the availability of funds. The SADC approves the use of the Hunterdon Land Trust's Federal Farm and Ranch Land Protection Program funds for the preservation of this farm, which will include an impervious coverage limitation of five percent (approximately 6.0 acres available for impervious coverage including agricultural related structures) on the lands being preserved outside of the exception area, and other restrictions required under the federal program.

Discussion: The property contains one five-acre nonseverable exception area limited to one single-family residence. The Hunterdon Land Trust (HLT) has stated that this property is included on its U.S. Department of Agriculture, Natural Resources Conservation Service FRPP FY2012 grant application as a targeted farm and has received funding approval for a grant not to exceed fifty percent of the federal appraised current value, subject to final surveyed acreage. The landowner has agreed to the additional restrictions associated with using federal funding.

2. D&R Greenway Land Trust, Inc./Battiato Farm, SADC #17-0038-NP (Resolution FY2013R1(9))
Block 39, Lot 13, Mannington Township, Salem County, 58 Net Easement Acres
Cost-share grant not to exceed \$3,487.50 per acre (total of approximately \$177,862.50 based on 51 acres) to D&R Greenway Land Trust, Inc. for the development easement acquisition on this property, subject to the availability of funds. The SADC approves a two-acre nonseverable exception around the existing home that shall be limited to one single-family residence. The SADC approves the use of D&R Greenway Federal Farm and Ranch Land Protection Program funds for the preservation of this property, which will include an impervious coverage limitation of seven percent (approximately 3.6 acres available for impervious coverage including agricultural related structures), on the lands being preserved outside of the exception area, and other restrictions required under the federal program. This final approval is subject to and conditioned upon

future. There are no preexisting nonagricultural uses and no residences for agricultural labor on the area to be preserved outside of the exception area.

Mr. Pace from the Mercer County Agriculture Development Board stated that he had a suggested change to the resolution. He stated that the SADC uses the language "heated" living space in its resolutions but Mercer County's policy is just "living space," not "heated." He asked if that could be removed.

The motion was unanimously approved. (A copy of Resolution FY2013R1(10) is attached to and is a part of these minutes.)

Mr. Danser recused himself from any discussion/action pertaining to the Voight farm to avoid the appearance of a conflict of interest. Mr. Danser is the Chairman of the Middlesex County Agriculture Development Board.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve Resolution FY2013R1(11) granting final approval to the following application, as presented and discussed, subject to any other conditions of said Resolution:

2. Jessie K. Voight, SADC #12-0017-PG (Resolution FY2013R1(11))
Block 22, Lot 17.0111, South Brunswick Township, Middlesex County, 36 Net Acres
State cost-share grant of \$20,610.00 per acre (60% of the certified market value and purchase price) for a total grant need of approximately \$764,218.80. The Equine Map (Schedule "B") and specialized "Equine Schedule "B" (draft shown in Schedule "C") will be recorded with the Deed of Easement. A three percent buffer for possible final surveyed acreage increases has been applied; therefore, 37.08 acres will be utilized to calculate the SADC grant need. Base grant funds will be utilized for this property.

Discussion: The property has one existing single-family residence, zero residences used for agricultural labor and no preexisting nonagricultural uses. The property has one two-acre severable exception for, and restricted to, one single-family residence.

The motion was approved. (Mr. Danser recused himself from the vote). (A copy of Resolution FY2013R1(11) is attached to and is a part of these minutes.)

It was moved by Ms. Reade and seconded Mr. Requa by to approve Resolution FY2013R1(12) granting final approval to the following application, as presented and discussed, subject to any other conditions of said Resolution:

3. Andrew and Leonor Thomas, SADC #17-0103-PG (Resolution Fy2013R1(12))
Block 47, Lot 8.02, Upper Pittsgrove Township, Salem County, 12 Acres

therefore, 75.19 acres will be utilized to calculate the SADC grant need. Base grant funds will be utilized for this property.

Discussion: There is one single-family residence and no exception areas on this property. The county will be utilizing an installment purchase agreement (IPA) to complete the easement purchase transaction.

The motion was unanimously approved. (A copy of Resolution FY2013R1(14) is attached to and is a part of these minutes.)

Ms. Brodhecker recused herself from any discussion/action pertaining to the Klein property to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Board.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2013R1(15) granting final approval to the following application, as presented and discussed, subject to any other conditions of said Resolution:

6. Max and Ingrid Klein, SADC # 19-0030-PG (Resolution FY2013R1(15))
Block 1801, Lot 12.03, Fredon Township, Sussex County, 15 Acres
State cost-share grant of \$57,937.50 (65.79% of the certified market value and purchase price). A three percent buffer for possible final surveyed acreages increases has been applied; therefore, 15.45 acres will be utilized to calculate the grant need. Base grant funds will be utilized for this property. The SADC will utilize any remaining federal grant funds (estimated \$13,905.00) to offset SADC grant needs on the property.

Discussion: The property includes one one-acre nonseverable exception for one future single-family residence. The SADC submitted a parcel application to the FY2012 U.S. Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP). The NRCS has determined that the property and the landowner qualify for federal grant funds and approved a grant of approximately \$45,000.00, subject to and not to exceed fifty percent of the federal appraised current value based on surveyed acreage. For the purposes of this resolution the federal grant will be based on the lowest easement value considered by the SADC at the time of the easement value certification, which is \$5,700.00 per acre equating to a federal grant of \$2,850.00 per acre (50% of \$5,700.00) or approximately \$44,032.50 in total federal funds. Should federal funding become available from other funding years or through other qualified entities such as the SADC, a nonprofit organization or County, it may be utilized if such funding benefits the easement acquisition and/or the successful use of federal funding. The landowner has agreed to the additional restrictions associated with the use of federal funding, including a one-acre impervious cover limit for the construction of agricultural infrastructure on the property outside of the exception area.

say “existing” residence, not future residence. Staff will correct the resolution to reflect that. Staff recommendation is to grant final approval to the application as presented and discussed with the above-noted correction.

It was moved by Mr. Germano and seconded by Mr. Danser to approve Resolution FY2013R1(17) granting final approval to the following application, with the amendment to the second “Whereas” on Page 2 to reflect that the three-acre nonseverable exception is for an “existing” single-family residence on Block 1102, Lot 12, and subject to any conditions of said resolution:

1. Olbrich Farm (SADC # 17-0238-DE)
Block 1002, Lot 19; Block 1101, Lot 48; Block 1102, Lot 12 and 13
Pittsgrove Township, Salem County, 125 Net Acres
Acquisition of the development easement at a value of \$5,000.00 per acre (125 easement acres) for a total of approximately \$625,000.00, subject to conditions contained in Schedule “B.”

The motion was unanimously approved. (A copy of Resolution FY2013R1(17) is attached to and is a part of these minutes.)

J. Resolutions for Final Approval – Municipal Planning Incentive Grant Program

Ms. Roberts referred the Committee to two requests for final approval under the Municipal Planning Incentive Grant Program. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Reade and seconded by Mr. Requa to approve Resolution FY2013R1(18) granting final approval to the following application, as presented and discussed, and subject to any conditions of said Resolution:

1. James R. Yanus, SADC # 17-0016-PG
Block 13, Lots 14, 14.02 and 16.01, Alloway Township, Salem County, 81 Net Acres
State cost-share of \$3,750.00 per acre for an estimated total of \$303,750.00 (65.79% of the certified market value and purchase price).

Discussion: The property has been allocated one one-acre severable exception area around an existing single-family residence. There are no residences on the property to be preserved. The County will utilize an installment purchase agreement (IPA) to cover its share of the funding for this easement purchase transaction.

Hopefully, we can meet and resolve these concerns so that we can move forward next month. She stated that the SSAMP is possibly more important than the on-farm AMP. We don't want to hold the whole process up but we don't want to see the rule adopted with language in there that could give everything back to the municipalities. Ms. Payne stated that the SADC will be reaching out to the necessary people to have a discussion.

Ms. Payne stated that regarding minutes, one of today's resolutions had language in it regarding the approval of minutes. The history of the program has been that we have a meeting, the next month the minutes are approved by the Committee and then the minutes go to the Governor's Office for the 15-day review period. Technically, we cannot close or take formal action on anything until that veto period expires, which is a lot of time; it's 45 days from the date the Committee takes action. What most authorities do, or at least what they are allowed to do, is after the meeting the Director can prepare the minutes and send them to the Governor's Office to begin the veto review period. She stated that staff would then come back to the Committee at its next meeting and those minutes would already be reviewed by the Governor's Office. She would like to begin doing this as a matter of course going forward. She stated that on the rare occasion the Committee has made amendments to the minutes, such as grammar and spelling and sometimes a member will clarify his or her statements, that would require slight adjustments to the language. If the Committee is comfortable, that is what we will start doing to expedite everything. We cannot close farms and take other actions until those actions are final. The Governor's Office doesn't want to see portions of minutes and review them two or three times. If we want to accelerate our process we need to send the minutes over as soon as possible. If someone wants an amendment, that can still be done and then we would send the correction over to the Governor's Office for its information. There has never been an amendment to the minutes that the Committee wanted that has had the effect of undoing an action that was taken; it's usually just a clarification.

It was the consensus of the Committee to allow SADC staff to complete and send over the minutes to the Governor's Office for review prior to SADC approval of the minutes at the subsequent meeting of the Committee, as presented and discussed above.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, February 28, 2013, beginning at 9:00 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 12:20 p.m., Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Mr. Germano and unanimously approved.

The motion was unanimously approved. (A copy of the Certification of Value Report is attached to and is a part of these minutes.)

Municipal Planning Incentive Grant Program

It was moved by Mr. Germano and seconded by Ms. Brodhecker to certify the development easement values for the following applications, as presented and discussed in closed session:

1. Marjorie Y. Lovenberg Revocable Trust/Joel Higgins, SADC #10-0344-PG
Block 27, Lot 20, Delaware Township, Hunterdon County
2. Richard and Marjorie Yard, SADC # 10-0333-PG
Block 44, Lot 15, Delaware Township, Hunterdon County, 33 Acres

The motion was unanimously approved. (Copies of the Certification of Value Reports are attached to and are a part of these minutes.)

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Danser and seconded by Mr. Siegel and unanimously approved to adjourn the meeting at 1:33 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2013R1(1)

**AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO**

**MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Robert W. Smith
Washington Township, Morris County**

**N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG**

January 24, 2013

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property conditioned on the results of the condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm (Schedule A); and

WHEREAS, on July 28, 2011 the SADC amended its June 24, 2010 conditional final approval for the Smith Farm by establishing a one (1) year time limit during which the WTMUA would secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council (Schedule B); and

WHEREAS, the July 28, 2011 amended final approval included a one (1) year time limit of the conditional final approval that could be extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

WHEREAS, on June 28, 2012 the SADC amended its July 28, 2011 final approval to provide a six (6) month extension of its conditional final approval until January 28, 2013, concluding that the County had made significant progress in addressing all outstanding issues (Schedule C); and

WHEREAS, in addition the SADC reserved that upon expiration of the one (1) year time period (July 28, 2012), or any approved extension thereof, the SADC reserves the

right, in the SADC's sole discretion, to rescind its conditional final approval for the Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

WHEREAS, the WTMUA completed a 72-hour aquifer well test on the new well on the Smith Farm in July 2012 and submitted incomplete reports on the test results to the SADC on December 5, 2012; and

WHEREAS, the NJDEP provided a letter indicating the adequacy of the 50-foot buffer around the new well on the Smith Farm in correspondence dated December 21, 2012; and

WHEREAS, SADC staff needs additional time to obtain and review full copies of the test well report and other such information as may be necessary in order to make a recommendation to the SADC regarding the impacts of the proposed public water supply well on the Smith Farm as set forth in the SADC's prior resolutions on the matter, attached hereto and referred to as Schedules A, B and C; and

WHEREAS, Morris County has submitted a letter requesting a six month extension (Schedule D) based on significant progress in obtaining all necessary permits and approvals as outlined in the December 21, 2012 letter from NJDEP.

NOW THEREFORE BE IT RESOLVED that the SADC finds that the County has made significant progress in addressing all outstanding issues and have provided supporting documentation highlighting sufficient reasons to warrant an extension of six months until July 28, 2013; and

BE IT FURTHER RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646, 823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that the provisions of the SADC's June 24, 2010 conditional approval, the SADC's July 28, 2011 amended and conditional final approval and the June 30, 2012 amended and conditional final approval to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Extension of Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

1-24-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	ABSENT FOR VOTE
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY10R6(12)

FINAL REVIEW AND CONDITIONAL APPROVAL OF A PLANNING INCENTIVE
GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

June 24, 2010

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Morris County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted final approval of Morris County's 2010 PIG application on May 28, 2009; and

WHEREAS, on June 30, 2009 the SADC received an application for the sale of a development easement from Morris County for the Smith Farm, hereinafter referred to as "Owner", identified as Block 12 Lot 4, Washington Township, Morris County, totaling approximately 100.8 acres hereinafter referred to as "Property" and as identified on the attached map (Schedule A); and

WHEREAS, the Property is a targeted farm located in Morris County's Agriculture Development Area (ADA) West Project Area and is within the Highlands Preservation Area; and

WHEREAS, the Property contains a 6.2+- acre conservation/drainage easement area servicing the neighboring school which the SADC may not provide a cost share towards due to its restriction on development and agricultural use; and

WHEREAS, the Washington Township Municipal Utilities Authority (WTMUA) filed a Notice of Intent dated August 19, 2009 with the SADC and the Morris County Agriculture Development Board (MCADB) regarding the proposed condemnation of a portion of the Smith Farm for purposes of placing a public water supply well on the Property; and

WHEREAS, while the Notice of Intent was filed with the MCADB and SADC as required by N.J.S.A. 4:1C-19a., the WTMUA instituted condemnation proceedings against the Smith Farm on or about January 2010 without first obtaining the review and findings of the MCADB and SADC pursuant to N.J.S.A. 4:1C-19b., and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., on May 10 2010 and June 10, 2010, the MCADB conducted its review of the Notice of Intent, conducted a public hearing, and issued a resolution concluding that the proposed condemnation will "cause unreasonably adverse effects upon: 1) preservation and enhancement of agriculture in the ADA; and 2) upon overall State agricultural preservation and development policies", and recommended that the eminent domain action against the Smith Farm be withdrawn by the WTMUA; and

WHEREAS, the SADC staff continues to review all information submitted by the WTMUA in order to determine whether the Notice of Intent is complete, with the most recent information having been submitted to the SADC by the WTMUA on June 8, 2010; and

WHEREAS, upon the SADC's determination that it has received a complete Notice of Intent, the SADC will have 30 days to issue findings regarding the effect of the proposed taking upon the preservation and enhancement of agriculture in the ADA, the municipally approved program, and upon overall State agricultural preservation and development policies; and

WHEREAS, since the return date of the order to show cause on the Smith Farm condemnation is scheduled for July 9, 2010, pursuant to NJSA 4:1C-19c., the Secretary of Agriculture has authorized the Office of the Attorney General to intervene in and to seek a postponement of those proceedings in order allow the SADC to issue its findings and conclusions related to this proposed taking of land in an ADA in accordance with N.J.S.A. 4:1C-19b., and

WHEREAS, to some extent, the preservation of the Smith Farm will be dependent upon a final judicial disposition of the proposed condemnation action which may, in turn, effect the final size and configuration of the Smith Farm; and

WHEREAS should the configuration of the Smith Farm change due to a successful taking by the WTMUA, the application would be reviewed, appraisal updates would be evaluated and this final conditional approval would be submitted to the SADC for amendments, as appropriate; and

WHEREAS, the Property includes a one (1) acre nonseverable exception area for a future single family home and zero (0) residences used for agricultural labor; and

WHEREAS, the Property includes a Garage/Barn, approximately 32'x130' and parking area for the storage and year round sale of antiques which will be noted and fully described as a pre-existing non-agricultural use in the Deed of Easement and final survey; and

WHEREAS, the Property has a rank score of 62.55 which exceeds the County's average quality score of 44, as determined by the SADC on July 24, 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on September 23, 2009 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 25, 2010 the SADC certified a development easement value of \$14,200 per acre based on zoning and environmental regulations in place as of January 1, 2004 and \$2,800 per acre based on zoning and environmental regulations in place as of the date of valuation June 30, 2009; and

WHEREAS, Morris County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 103.824 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner offered to sell the development easement to the County for \$14,350 per acre which is higher than the highest certified easement value, but not higher than the highest appraised value; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Washington Township Committee approved the Owner's application for the sale of a development easement on August 24, 2009, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Morris County Agriculture Development Board approved the application on April 1, 2010 and secured a commitment of funding for approximately 57% of the easement purchase price from the Morris County Board of Chosen Freeholders for the required local match on April 26, 2010; and

WHEREAS, Morris County has requested the SADC approve and encumber a reduced cost share for the Smith farm in order to preserve competitive grant funds which may be available for future projects; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(d) and 17.14, on May 3, 2010 the County established a prioritization of farms and submitted a request to the SADC to conduct a final review of the application for the sale of a development easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8 and Resolution # FY08R9(33), adopted on July 26, 2007, the SADC authorized a FY09 funding allocation to provide eligible counties with a base grant of \$2,000,000.00 with the ability to obtain an additional competitive grant not to exceed \$3,000,000.00 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, and 17.14 Morris County is eligible to apply for an additional \$3,000,000.00 dollars of competitive grant funding for a maximum FY 2009 grant of \$5,000,000.00, subject to the availability of funds; and

WHEREAS, to date the County has closed the Cobb/Headly Farm and the Estate of Hansel/Greenway Flowers Farm expending \$1,903,206.60 of their \$2,000,000 base grant and requested final approval for the Farrand #5, Farrand #6, Lare and McLaughlin Farms encumbering the remaining base grant and leaving \$2,335,038.94 potentially available in FY09 competitive funding (Schedule C); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f) if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, competitive grant funds shall be awarded by the SADC based on a priority ranking of the individual farm applications applying for grants from the competitive grant fund (Schedule D); and

WHEREAS, Morris County is requesting to encumber \$646,823.52 from its available competitive funds for the purchase of development easements on the Smith Farm;

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final conditional approval to provide a cost share grant to Morris County for the purchase of a development easement on the Property comprising approximately 103.824 acres, at a State cost share of \$6,230 per acre (approximately 43% of certified market value) for a total grant of approximately \$646,823.52 which is less than the SADC cost share pursuant to N.J.A.C. 2:76-6.11 at the request of Morris County; and

BE IT FURTHER RESOLVED, the SADC grants final approval based on the conditions contained in Schedule B and further conditioned upon the results of the condemnation action instituted against the Smith Farm by the WTMUA; and (4)

BE IT FURTHER RESOLVED, that the SADC reserves the right to reevaluate the Smith Farm application at the conclusion of the aforesaid condemnation action; and

BE IT FURTHER RESOLVED, that based on the priority ranking of applications competing for competitive grant funds pursuant to N.J.A.C. 2:76-17.14 (e), and as identified in Schedule D, the subject Property qualifies for competitive grant funds; and

BE IT FURTHER RESOLVED, should the County require additional funds for the Property due to an increase in the final surveyed acreage the County may utilize unencumbered and available base grant funds to supplement the shortfall, however no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that any unused funds encumbered from either the base or competitive grant at the time of final approval shall be returned to its respective sources (base or competitive grant fund) after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's expenditure of a cost share grant to the County for the purchase of a development easement on the Smith Farm shall be conditioned upon and based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement, for residual dwelling site opportunities allocated pursuant to Policy P-19-A, and areas taken as a result of a final, nonappealable judgment or order entered in the aforesaid condemnation action; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that final authorization to provide a cost share grant to the County for the purchase of a development easement on the Property is subject to the review and approval of the Attorney General's Office for compliance with the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1, et seq.

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4f.

6/24/10

Date



Susan E. Craft, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	ABSTAINED
Richard Boornazian (rep. DEP Commissioner Martin)	YES
Donna Rendeiro (rep. DCA Commissioner Grifa)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James R. Waltman	YES
Denis C. Germano	ABSENT
Jane Brodhecker	YES
Torrey Reade	YES
Alan A. Danser	YES
Dr. Stephen P. Dey	YES

Wetlands

Application within the Highlands Preservation Area



FARMLAND PRESERVATION PROGRAM

NJ State Agriculture Development Committee

Robert Smith
 Block 12 Lots P/O 4 (100.8 ac) & P/O 4-EN (non-severable exception - 1.0 ac)
 Gross Total = 101.8 ac
 Washington Twp., Morris County

500 250 0 500 1,000 Feet



	Property In Question
	ET - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	300 ft Buffered Wetlands
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O/S & Recreation Easement
	Federal Land
Wetlands Legend:	
	F - Freshwater Wetlands
	L - Linear Wetlands
	M - Wetlands Modified for Agriculture
	T - Total Wetlands
	N - Non-Wetlands
	B - 300' Buffer
	W - Water

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geospatial accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Sources:
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 NJOT/IGIS 2007/2008 Digital Aerial Image

July 29, 2009

Schedule B | Schedule A

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Willow Pond Farm
14- 0096-PG
FY 2009 County PIG Program
101 Acres

Section 14	101.4	Washington Twp.	Morris County
SOILS:			
		Upper	20.2 * 0 = .00
		Brick	94.4 * .01 = .94
		Statewide	1.2 * .01 = .01
			SOIL SCORE: 11.75
TILLABLE SOILS:			
		Topsoil Substrate	11.9 * .11 = 1.31
		Permanent Substrate	1 * .01 = .01
		Wetlands	17.4 * 0 = .00
		Woodlands	10 * 0 = .00
			TILLABLE SOILS SCORE: 8.35
FARM USE:			
		10 acres	10 acres
		15 acres	15 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use:
 - Storage of antiques for sale year-round
 - b. Exceptions:
 - 1st line (1) acres for future dwelling
 - Exception is not to be severed from Premises
 - Right to Farm language is to be included in Deed of Easement
 - Exception is to be restricted to one single family residential unit(s)
 - Can not be further subdivided.
 - c. Additional Restrictions:
 - 1. Can not be further subdivided
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:15-11 et seq., P.L. 1983, c.31, and N.J.A.C. 2:76-7.14.
6. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2012R7(33)

AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

July 28, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Morris County ("County") pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted final approval of the County's 2010 PIG application on May 28, 2009; and

WHEREAS, on June 30, 2009 the SADC received an application for the sale of a development easement from Morris County on lands designated as Block 12, Lot 4, Washington Township, Morris County, totaling approximately 100.8 acres ("Smith Farm"), as identified on the attached map (Schedule A); and

WHEREAS, the Smith Farm is a targeted farm located in Morris County's Agricultural Development Area (ADA) West Project Area and is within the Highlands Preservation Area; and

WHEREAS, the Smith Farm contains a 6.2-- acre conservation/drainage easement area, servicing a neighboring elementary school, for which the SADC will not provide a cost share grant due to the easement's restrictions on development and agricultural use; and

WHEREAS, the Washington Township Municipal Utilities Authority (WTMUA) filed a Notice of intent dated August 19, 2009 with the SADC and the Morris County Agriculture Development Board (MCADB) as required by N.J.S.A. 4:1C-19a, regarding the proposed condemnation of a portion of the Smith Farm for purposes of placing a public water supply well thereon; and

WHEREAS, while the Notice of Intent was filed with the MCADB and SADC as required by N.J.S.A. 4:1C-19a., the WTMUA instituted condemnation proceedings against the Smith Farm in or about January 2010 without first obtaining the review and findings of the MCADB and SADC pursuant to N.J.S.A. 4:1C-19b., and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., at meetings held on May 10 and June 10, 2010, the MCADB reviewed the Notice of Intent, conducted a public hearing, and issued a resolution concluding that the proposed condemnation will "cause unreasonably adverse effects upon: 1) preservation and enhancement of agriculture in the ADA; and 2) upon overall State agricultural preservation and development policies", and recommended that the eminent domain action against the Smith Farm be withdrawn by the WTMUA; and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., the SADC completed its review of the Notice of Intent, conducted a public hearing on August 23, 2010, and approved by motion on September 17, 2010 a Summary of Findings and Recommendations Report concluding that the proposed condemnation will cause unreasonably adverse effects upon Morris County's ADA and State agriculture preservation and development policies, and recommended that:

1. The WTMUA should be required to exhaust all other water supply options prior to consideration of a new well on the Smith farm;
2. The ADA review process should be included in all pertinent NJ Department of Environmental Protection (NJDEP) permit procedures;
3. All parties involved should expedite the process so as to not unduly interfere with the permanent preservation of the Smith Farm; and

WHEREAS, on October 1, 2010, Superior Court Judge B. Theodore Bozonelis ruled that the WTMUA could proceed with its condemnation of a 0.72 acre easement on the Smith Farm to accommodate the new well, well housing and piping and provide for a 50-foot minimum buffer around the well; and

WHEREAS, the SADC recognized that, should the final size and configuration of the Smith Farm change due to a successful eminent domain taking by the WTMUA, the application would be reviewed, appraisal updates would be evaluated and this final conditional approval would be submitted to the SADC for amendments, as appropriate; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property comprising approximately 105.824 acres, at a State cost share of \$6,230 per acre (approximately 43% of certified market value) for a total grant of approximately \$646,823.52 which is less than the SADC cost share pursuant to N.J.A.C. 2:76-

6.11 at the request of Morris County; and

WHEREAS, the SADC's issuance of conditional final approval was based on the conditions contained in Schedule B and upon the results of the condemnation action instituted by the WTMUA against the Smith Farm; and

WHEREAS, the SADC reserved the right to reevaluate the Smith Farm application at the conclusion of the aforesaid condemnation action; and

WHEREAS, the SADC gathered additional information from the NJDEP, the WTMUA and Morris County staff on the potential impact of the proposed community well on the ability of current and future landowners to use the preserved farmland for a full range of agricultural activities and concluded that:

1. The ultimate size of the required buffer around the well is not yet known;
2. The potential limitations on agricultural activity, including the ability of a future farm operator to obtain an agricultural water use permit, are also unclear;
3. Depending on the ultimate impact of the public water supply well on the Smith Farm, the appraised easement value certified by the SADC pursuant to N.J.A.C. 2:76-17.11 on March 25, 2010 could be negatively impacted;
4. Preservation of the Smith Farm at this time could necessitate the WTMUA's condemnation of additional buffer area which in turn would require the SADC and the MCADB to proceed with the time consuming process of releasing an easement pursuant to N.J.S.A 4:13-25, including an assessment of immediately apparent feasible alternatives and the Governor's declaration that the action is necessary for public health, safety and welfare; and

WHEREAS, the SADC evaluated various options regarding the timing of the closing on the development rights to the Smith Farm in relation to the approval of the community well on the Property at its June 23, 2010 meeting.

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, amends its June 24, 2010 conditional final approval of a planning incentive grant for the Smith Farm by establishing a one (1) year time limit during which the WTMUA shall apply for and secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council; and

BE IT FURTHER RESOLVED, as a result of securing all necessary permits and approvals the final extent, configuration and nature of the buffer necessitated by the well will be determined and its impact on the ability of current and future landowners to use the Smith Farm for a full range



of agricultural activities, including the ability to secure agricultural water use permits, will be established to the satisfaction of the Committee; and

BE IT FURTHER RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained;

BE IT FURTHER RESOLVED, that should updated appraisals be necessary the SADC will review the new appraisals and certify a new easement value pursuant to N.J.A.C. 2:76-17.10-17.11; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646,823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

BE IT FURTHER RESOLVED, that the WTMUA is encouraged to expedite the permit process and associated well tests in order to minimize the delay to the closing on the development rights to the Smith Farm; and

BE IT FURTHER RESOLVED that the one (1) year time limit of the conditional final approval of the planning incentive grant for the Smith Farm may be further extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

BE IT FURTHER RESOLVED, that upon expiration of the one (1) year time period, or any approved extension thereof, the SADC reserves the right, in the SADC's sole discretion, to rescind its conditional final approval for the Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that any unused funds encumbered from either the County's base or competitive grant at the time of final approval shall be returned to its respective sources (base or competitive grant fund) after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's expenditure of a cost share grant to the County for the purchase of a development easement on the Smith Farm shall be conditioned upon and based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement, for residual dwelling site opportunities allocated pursuant to Policy P-19-A, and areas taken as a result of a final, nonappealable judgment or order entered in the aforesaid condemnation action; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that final authorization to provide a cost share grant to the County for the purchase of a development easement on the Smith Farm is subject to the review and approval of the Attorney General's Office for compliance with the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1, et seq.; and

BE IT FURTHER RESOLVED that the provisions of the SADC's June 24, 2010 conditional approval, to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

7/28/11
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Douglas H. Fisher, Chairperson	YES
Richard Boornazian (rep. DEP Commissioner Martin)	ABSENT
James Requa (rep. DCA Commissioner Grifai)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Aron A. Danzer	YES
James Waltman	ABSENT
Dennis C. Germano	ABSENT
Torrey Reade	YES

Resolution amended final approval of 2010 matters at 10th meeting on

Wetlands

Schedule A
Schedule B

Application within the Highlands Preservation Area



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robert Smith
Block 12 Lots P/O 4 (100.8 ac) & P/O 4-EN (non-severable exception - 1.0 ac)
Gross Total = 101.8 ac
Washington Twp, Morris County

500 250 0 500 1000 Feet



- Property in Question
- SE - (Non-Severable) Exception
 - ES - (Severable) Exception
 - Wetlands Boundaries
 - 300 ft Buffered Wetlands
 - Municipal, County and Non-Profit Prescribed Open Space
 - State Owned Conservation Easement
 - State Owned O&B & Recreation Easement
 - Public Land

Wetlands Legend

- F - Freshwater Wetlands
- L - Lotic Wetlands
- M - Wetlands Modified for Agriculture
- T - Tidal Wetlands
- N - Non-Wetlands
- B - 300' Buffer
- W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/IGIS 2007/2008 DigitalAerial Image

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geospatial accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

July 29, 2009

Sch 15

References

Frühling 1871

[illegible]

THE UNIVERSITY OF CHICAGO

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group and the experimental group. The control group received a standard diet and water, while the experimental group received a standard diet and water with a 10% sucrose solution. The experimental group was further divided into two subgroups: the sucrose group and the control group. The sucrose group received a 10% sucrose solution, while the control group received a standard diet and water. The subjects were monitored for 14 days, and the results were analyzed using a two-way ANOVA.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2012R6(1)

AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

June 28, 2012

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property conditioned on the results of the condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm (Schedule A); and

WHEREAS, on July 28, 2011 the SADC amended its June 24, 2010 conditional final approval for the Smith Farm by establishing a one (1) year time limit during which the WTMUA would secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council (Schedule B); and

WHEREAS, the July 28, 2011 amended final approval included a one (1) year time limit of the conditional final approval that could be extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

WHEREAS, in addition the SADC reserved that upon expiration of the one (1) year time period (July 28, 2012), or any approved extension thereof, the SADC reserves the right, in the SADC's sole discretion, to rescind its conditional final approval for the Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

WHEREAS, Morris County has submitted a letter requesting a six month extension (Schedule C) based on significant progress in obtaining all necessary permits and approvals outlined in a letter from the WTMUA dated May 9, 2012 (Schedule D)

NOW THEREFORE BE IT RESOLVED, the SADC finds that the County has made significant progress in addressing all outstanding issues and have provided supporting documentation highlighting sufficient reasons to warrant an extension of six months until January 28, 2013; and

BE IT FURTHER RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646,823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that the provisions of the SADC's June 24, 2010 conditional approval and the SADC's July 28, 2011 amended and conditional final approval, to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Extension of Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

6/29/13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser	ABSENT
Denis Germano	YES
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

S:\Planning Incentive Grant -2007 rules County\Morris\Smith\2nd amended final conditional approval 6.28.12.docx

Schedule 8



MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

P.O. Box 900 Morristown, NJ 07963-0900

(973) 829-8120 • FAX (973) 326-9025 • WEBSITE: www.morrispreservation.com

Office located at: 30 Schuyler Place, Morristown, NJ

January 7, 2013

Ms. Susan Payne, Executive Director
State Agriculture Development Committee
CN-330
Trenton, NJ 08625-0330

Re: **Robert Smith Farm, Washington Township**

Dear Ms. Payne:

The SADC's Resolution #FY2012R7(33), Amended Final Review and Conditional Approval, for the preservation of the Robert W. Smith Farm in Washington Township, Morris County established a time limit during which the WTMUA shall apply for and secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council. The established time limit will expire on January 28, 2013.

In a December 21, 2012 letter addressed to you, Mr. Steven Pudney, Section Chief, NJDEP Bureau of Water System Engineering, confirmed that a 50 foot buffer is acceptable around the WTMUA well located on the R. Smith farm. In an email dated January 4, 2013, Mr. Tim Brill informed me that the SADC intends to follow up with the NJDEP regarding the WTMUA well's implications for the future use of the Smith Farm.

In light of the impending expiration of the time limit set by the SADC, the Morris CADB hereby requests the SADC to grant a six-month extension.

If you have any questions, please contact me.

Sincerely,

Katherine Coyle, Director

Cc: Robert Smith
Joseph Grather, Esq.
James Gregory, Esq.
Ray Chang, Director, Morris Preservation Trust
W. Randall Bush, Esq.

OFFICERS: Gregory Keller, *Chairman* • Kenneth Wightman, *Vice Chairman* • Aimee Ashley Myers, *Secretary*

MEMBERS: Dale Davis III • Louise Davis • Rick Desiderio • Harvey Ort, Jr.

STAFF: Katherine Coyle, *Director*

**STATE OF NEW JERSEY
AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM**

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION # FY2013R1(2)

REQUEST FOR EXTENSION OF PROJECT APPROVAL

OCEAN COUNTY

SOUTH LAND FARMS, INC.

JANUARY 24, 2013

WHEREAS, the State Agriculture Development Committee (SADC) has received the request for extension of project approval application from the State Soil Conservation Committee (SSCC) for the **South Land Farms, Inc., SADC ID#15-0005-DE**, concerning the parcel of land located in the Township of Plumsted, County of Ocean; and

WHEREAS, the SSCC has reviewed specific reasons for extension related to seasonal constraints and the Natural Resource Conservation Service was delayed in the design of cleaning out the two open drainage and weather has slowed the completion, as stated by the landowners, and on January 14, 2013, the SSCC approved the request for extension of 12 months for installation of previously approved projects pursuant to N.J.A.C. 2:76-5.4(d)2; and

WHEREAS, the SADC has reviewed said request for extension of project approval application from the above landowners pursuant to 2:76-5.4(d)2; and

WHEREAS, on July 22, 2010, the SADC approved a soil and water state cost-share grant in the amount of \$26,554.23, for approved projects submitted by the above landowners (at 50% cost share); and

WHEREAS, the landowners have expended the amount of \$7,540.00 to date and have requested the balance in the amount of \$19,014.23 to be extended until July 22, 2014; and

NOW THEREFORE BE IT RESOLVED, that the SADC, under the authority of N.J.A.C. 2:76-5.4(d)2, approves the extension of the term of obligation for a cost share grant in the amount of \$19,014.23 until July 22, 2014, with no further extension for **South Lands Farms, Inc., SADC ID#15-0005-DE**, Township of Plumsted, County of Ocean, subject to available funds; and

BE IT FURTHER RESOLVED, that the project must be completed by July 22, 2014.

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/24/13

DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Douglas H. Fisher, Chairperson	ABSENT FOR THE VOTE
Fawn McGee (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

**State Soil Conservation Committee
State Cost Share Program
Request for Extension of Project Approvals**

(Note: Separate Request Required for Each Extension, Previously Approved Application)
NJDA-DIVISION OF
AG & NATURAL RESOURCES

County: OCEAN

Applicant Name: SOUTH LAND FARMS INC.

State ID Number: 15-0005-DE

Application # 1

Original Approval Date 7/22/2010

Total of Cost Share Funds Approved \$26,554.23

Amount Expended to Date \$ 7,540.00 Amount Remaining ~~\$26,554.23~~ 19,014.23

PROJECTS FOR WHICH EXTENSION IS REQUESTED. (List information below exactly as shown on original application or as revised via approved revision form. Enclose photo copies of approved applications and

A	B	C	D	E	F	G
Project Description	CPO Item #	Field #	Extent Originally Approved	Amount Originally Approved	Amount to be Extended	Amount Approved (State Office use only)
2:90-2.17 Permanent open drain.					<u>475</u>	
Surface Drainage main or lat.	1	7	1300 ft.	\$2,925.00	\$2,925.00	<u>475.00</u>
Surface Drainage main or lat.	2	9	2600 ft.	\$5,850.00	\$5,850.00	<u>5,850.00</u>
Obstruction Removal	3	4-5	3.6 ac.	\$7,290.00	<u>5,390</u> \$7,290.00	<u>5,390.00</u>
Spoil Spreading	4	4-5	13.5 ac.	\$10,125.00	<u>7,066</u> \$10,125.00	<u>7,066.00</u>
Filter Strip	5	4-5	2.7 ac.	\$364.23	<u>283.23</u> \$364.23	<u>283.23</u>
					<u>19,014.23</u>	
Total				\$26,554.23	\$26,554.23	<u>\$19,014.23</u>

DESCRIBE SPECIFIC REASONS FOR EXTENSION. Reasons must be detailed and related to seasonal constraints or other unavoidable delays beyond the applicants control.

NCRS was delayed in the design in ditch one. The weather also slowed the completion of the ditch. The additional ditch work may also be affected by weather and the completion of the design.

Applicant Certification

I hereby request that approval for the above listed projects be extended for 12 months (not to exceed 12 months). I certify that I have been unable to complete these projects within the original three year period for the reasons stated above and anticipate completing them within the period of extension requested.

Signature M. J. June

Date 11/23/12

Technical Agency Recommendation

I have reviewed this request for extension and concur with the reasons stated. Technical assistance for completion of the project will be provided.

Signature Eric K. McCague
District Conservationist

Date 11/29/12

Soil Conservation District Approval

The Ocean Soil Conservation District has reviewed and approved this request at an official meeting held on 11/29/12 (Date) and recommends extension for 12 months.

Signature Will [Signature]
District Chairman

Date 11/29/12

State Soil Conservation Committee Approval

The SSCC has reviewed and approved this request for extension of 12 months for installation of previously approved projects as described above.

Signature Frank Minch
Title ADM. ANALYST

Date 1/14/13

State Agricultural Development Committee Approval

The SADC hereby extends funding authorization for the above listed projects.

This approval will expire July 22, 2014

Signature Sam E. [Signature]
Title EXECUTIVE DIRECTOR, SADC

Date 1/24/13

NOTE: All requests for payment for projects completed by the extended date must be submitted no later than 30 days after that date. Projects completed after that date will not be eligible for payment. All requests for extension must be received by the State Soil Conservation Committee at least 30 days prior to the original expiration date to facilitate timely processing.

**STATE OF NEW JERSEY
AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM**

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION # FY2013R1(3)

REQUEST FOR EXTENSION OF PROJECT APPROVAL

ATLANTIC COUNTY

DANIEL AND MARGARET CZARNIAK

JANUARY 24, 2013

WHEREAS, the State Agriculture Development Committee (SADC) has received the request for extension of project approval application from the State Soil Conservation Committee (SSCC) for the **Daniel and Margaret Czarniak, SADC ID#01-0043-8F**, concerning the parcel of land located in the Town of Hammonton, County of Atlantic; and

WHEREAS, the SSCC has reviewed specific reasons for extension related to seasonal constraints and the project was not completed with the first phase due to extreme weather conditions as a result of Hurricane Sandy, as stated by the landowners, and on January 14, 2013, the SSCC approved the request for extension of 12 months for installation of previously approved projects pursuant to N.J.A.C. 2:76-5.4(d)2; and

WHEREAS, the SADC has reviewed said request for extension of project approval application from the above landowners pursuant to 2:76-5.4(d)2; and

WHEREAS, on November 5, 2009, the SADC approved a soil and water state cost-share grant in the amount of \$12,240.00, for approved projects submitted by the above landowners (at 50% cost share); and

WHEREAS, the landowners have expended the amount of \$6,974.38 to date and have requested the balance in the amount of \$5,265.62 to be extended until November 5, 2013; and

NOW THEREFORE BE IT RESOLVED, that the SADC, under the authority of N.J.A.C. 2:76-5.4(d)2, approves the extension of the term of obligation for a cost share grant in the amount of \$5,265.62 until November 5, 2013, with no further extension for **Daniel and Margaret Czarniak, SADC ID#01-0043-8F**, Town of Hammonton, County of Atlantic, subject to available funds; and

BE IT FURTHER RESOLVED, that the project must be completed by November 5, 2013.

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/24/13

DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Douglas H. Fisher, Chairperson	ABSENT FOR THE VOTE
Fawn McGee (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

State Soil Conservation Committee
State Cost Share Program
Request for Extension of Project Approvals

(Note: Separate Request Required for Each Previously Approved Application)

County ATLANTIC

Applicant Name DANIEL CZARNIAK

State ID Number 01-0043-BF Application # 1

Original Approval Date 11/5/09 (From Block 15 of original Application Form)

Total of Cost Share Funds Approved \$ 12,240.00

Amount Expended to Date \$ 6,974.³⁸ Amount Remaining \$ 5,265.62

PROJECTS FOR WHICH EXTENSION IS REQUESTED. (List information below exactly as shown on original application or as revised via approved revision form. Enclose photo copies of approved application and revision forms).

A	B	C	D	E	F	G
Project Description	CPO Item #	Field #	Extent Originally Approved	Amount Originally Approved	Amt. to be Extended	Amount Approved (State Office)
2190-2115 DRIP IRR CONTAINER	1	1	7 AC	\$ 12,240. ⁰⁰	\$ 5,265. ⁶²	5,265.62
Total				\$ 12,240. ⁰⁰	\$ 5,265.62	5,265.62

DESCRIBE SPECIFIC REASONS FOR EXTENSION. Reasons must be detailed and relate to seasonal constraints or other unavoidable delays beyond the applicants control.

DRIP IRRIGATION SYSTEM HAS BEEN INSTALLED ON 7 AC OF CONTAINER NURSERY (12 HOOP HOUSES) AND PAYMENT REQUEST SUBMITTED
PARTICIPANT REQUESTS EXTENSION TO INSTALL ADDITIONAL DRIP ON AN ADDITIONAL 1 AC. (10-12 HOUSES). PROJECT WAS NOT COMPLETED WITH THE FIRST PHASE DUE TO EXTREME WEATHER CONDITIONS AS A RESULT OF HURRICANE SANDY. REQUESTING EXTENSION TO UTILIZE BALANCE OF \$5,265.62 FOR CONTINUING DRIP INSTALLATION.

Applicant Certification

I hereby request that approval for the above listed projects be extended for 12 months (not to exceed 12 months). I certify that I have been unable to complete these projects within the original three year period for the reasons stated above and anticipate completing them within the period of extension requested.

Signature [Signature] Date 12/5/2012

Technical Agency Recommendation

I have reviewed this request for extension and concur with the reasons stated. Technical assistance for completion of the requested projects will be provided.

Signature [Signature] Date 12/5/12
District Conservationist

SCD Approval

The Capt Atlantic Soil Conservation District has reviewed and approved this request at an official meeting held on 12/5/2012 (date) and recommends extension for 12 months.

Signature [Signature] Date 12/5/12
District Chairman

SSCC Approval

The SSCC has reviewed and approved this request for extension of 12 months for installation of previously approved projects as described above.

Signature [Signature] Date 1/14/13
Title ADM ANALYST

SADC Approval

The SADC hereby extends funding authorization for the above listed projects. This approval will expire NOV. 5, 2013.

Signature [Signature] Date 1-24-13
Title EXECUTIVE DIRECTOR, SADC

NOTE: All requests for payment for projects completed by the extended date must be submitted for payment no later than 30 days after that date. Projects completed after that date will not be eligible for payment. All requests for extension must be received by the State Soil Conservation Committee at least 30 days prior to the original expiration date to facilitate timely processing.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R1(4)

CERTIFICATION OF AMENDED AGRICULTURAL DEVELOPMENT AREA MAP

HUNTERDON COUNTY

January 24, 2013

WHEREAS, the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, provides for the identification of Agricultural Development Areas (ADAs) by county agriculture development boards; and

WHEREAS, pursuant to N.J.S.A. 4:1C-18, the Hunterdon County Agriculture Development Board (HCADB) adopted, after a public hearing, ADA criteria and a map identifying areas where agriculture shall be the preferred, but not necessarily exclusive use of land, documenting that the area:

1. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a nonconforming use;
2. Is reasonably free of suburban and conflicting commercial development;
3. Comprises not greater than 90% of the agricultural land mass of the county;
4. Incorporates any other characteristics deemed appropriate by the Board; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.4, the HCADB incorporated the following other criteria into the County ADA criteria:

1. A minimum contiguous area of at least 250 acres;
2. The predominance of prime or statewide important soils;
3. Land use that is reasonably free of non-farm development;
4. The absence of public sewers; and
5. Landowner consent to be included within the ADA; and

WHEREAS, the State Agriculture Development Committee (SADC) certified Hunterdon County's designated ADA criteria pursuant to N.J.S.A. 4:1C-18, and N.J.A.C. 2:76-1.4 on September 23, 1999; and

WHEREAS, the SADC certified amendments to Hunterdon County's designated ADA map showing the general location of the ADA(s) as defined by the application of the criteria many times over the years at the request of several municipalities, most recently on June 26, 2008; and

WHEREAS, on October 13, 2011, the HCADB updated its designated ADA map, at the request of the Township, to include Block 94, Lot 11, in the Township of Readington; and

WHEREAS, the HCADB reviewed the proposed ADA against the ADA criteria set forth at N.J.S.A. 4:1C-18 and N.J.A.C. 2:76-1.4 and the certified CADB criteria; and

WHEREAS, the HCADB held a public hearing on December 13, 2012 to consider public comment on the proposed amendment to its ADA map pursuant to N.J.A.C. 2:76-1.5 with no one providing any additional information on the proposed change; and

WHEREAS, the HCADB has requested the SADC's certification of the amended ADA map (as identified in the attached Schedule "A"); and

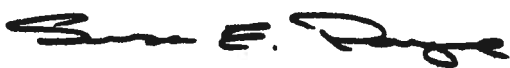
WHEREAS, pursuant to N.J.A.C. 2:76-1.5, the CADB submitted to the SADC, copies of the agenda and minutes of the October 13, 2011 meeting and the publicly noticed December 13, 2012 hearing, and the October 13, 2011 CADB resolution of adoption; and

WHEREAS, the SADC has reviewed the CADB's submissions and has determined that the analysis of factors and resultant criteria is reasonable and consistent and in compliance with the provisions of N.J.A.C. 2:76-1.6;

NOW THEREFORE BE IT RESOLVED that the SADC certifies the amendment to the Hunterdon County Agriculture Development Board's Agricultural Development Area map to include Block 94, Lot 11, in the Township of Readington; and

BE IT FURTHER RESOLVED that this approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4F.

1-24-13
Date

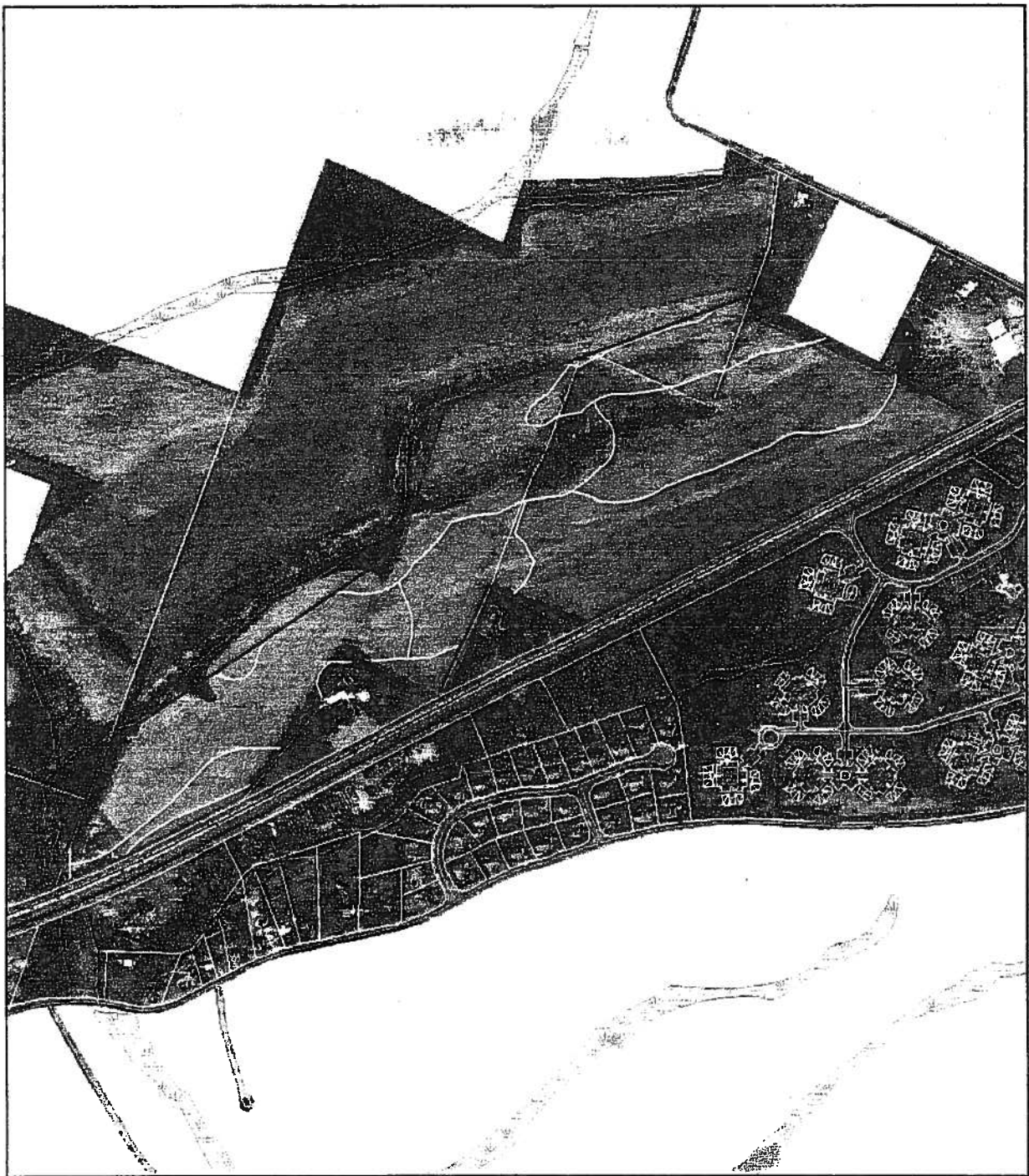


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

Schedule A



Readington ADA Amendment

Block 94, Lot 11 - Total Acreage: ~60 acres

1,700

Feet

Soils Breakdown

Not important: 12.56 acres, 19.6%

Prime: 22.31 acres, 34.8%

Statewide: 29.12 acres, 45.4%

Not Rated: 0.14 acres, <1%

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R1(5)

Request to Replace a Single Family Residence

**Pedrick Farm
Jesse DeGarmo-Contract Purchaser**

January 24, 2013

Subject Property: Block 31, Lot 5
 Block 32, Lot 2
 South Harrison Township, Gloucester County
 32.99 - Acres

WHEREAS, the Estate of Howard Pedrick, hereinafter "Owner", is the record owner of Block 31, Lot 5, and Block 32, Lot 2 in South Harrison Township, Gloucester County, by Deed dated June 4, 1982, and recorded in the Gloucester County Clerk's Office in Book 1449, Page 1015, totaling approximately 32.99 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Gloucester, by Deed dated June 27, 1992, and recorded in the Gloucester County Clerk's Office in Book 2777, Page 172, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, and the Garden State Preservation Trust Act, N.J.S.A. 13:8C, et seq.; and

WHEREAS, Jesse DeGarmo, hereinafter, "Contract Purchaser", is under contract, dated December 11, 2012, to purchase the Premises, contingent upon the ability to replace the existing residence; and

WHEREAS, on December 18, 2012, the SADC received a request to replace an existing single family residence on the Premises from the Gloucester County Agriculture Development Board on behalf of the Contract Purchaser; and

WHEREAS, the Deed of Easement identifies one single-family residence on the Premises, no exception areas and no RDSOs; and

WHEREAS, paragraph 14 ii of the Deed of Easement allows for the replacement of any existing single family residential building anywhere on the Premises with the approval of the Grantee and Committee; and

WHEREAS, on January 11, 2013, SADC staff visited the site; and

WHEREAS, the Premises has been maintained primarily as a grain farm; and

WHEREAS, the Contract Purchaser intends to convert the Premises into a vineyard; and

WHEREAS, the Contract Purchaser proposes to replace the existing residence on the premises with a new residence for himself and his family; and

WHEREAS, the proposed new house will be built in a partially wooded area on Lot 5, approximately 110 feet behind the existing house, as shown on Schedule "A"; and

WHEREAS, the new house will utilize a driveway through a partially wooded area not in production; and

WHEREAS, the Owners propose to build a two-story house with approximately 3,800 sq./ft. of heated living space to replace the original farmhouse which is approximately 2,400 sq./ft.; and

WHEREAS, the design of the new home includes a basement consisting of approximately 2,000 sq./ft. of additional space; and

WHEREAS, the existing home is in need of significant repair and is located approximately 20 feet off of Lincoln Mill Road; and

WHEREAS, the Contract Purchaser intends to remove the existing residence, fill, grade and reseed the area; and

WHEREAS, SADC staff have verified that the previously existing house was not included on the NJ Register of Historic Places; and

WHEREAS, on December 13, 2012, the Gloucester CADB reviewed and approved the replacement of the existing residence on the Premises conditioned on the sale being executed between the Owner and this Contract Purchaser; and

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to the restrictions as contained in the Deed of Easement, finds that the replacement of a single-family residence on the Premises will have a positive impact on the continued agricultural operations of this farm by replacing the deteriorated residence, which is very close to the road with a new residence which shall serve as the primary residence for the Contract Purchaser and his family; and

BE IT FURTHER RESOLVED, that the Committee approves the construction of a single family residence, consisting of approximately 3,800 sq./ft. heated living space, and approximately 2,000 sq./ft. of basement space, in the location shown in Schedule "A", to replace the single family residence which currently exists on the Premises; and

BE IT FURTHER RESOLVED, that the existing residence shall be removed and the area restored prior to or within 30 days of receipt of the certificate of occupancy on the new residence; and

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of this resolution; and

BE IT FURTHER RESOLVED, that this approval is non-transferable; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1-24-13

Date

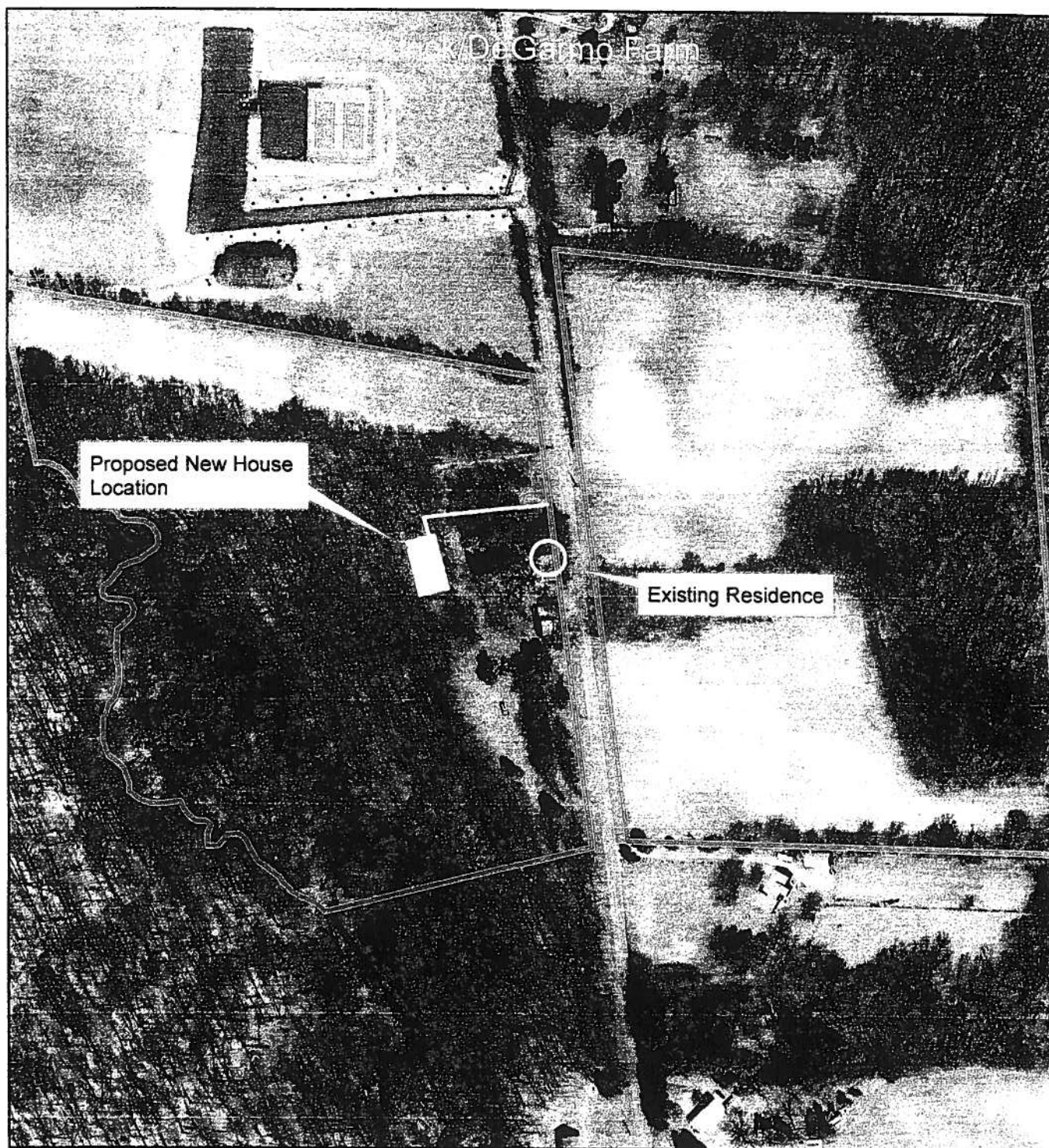


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

Schedule "A"







...x:/projects/farmview.mxd

**Farmland Preservation Program
NJ State Agriculture Development Committee**

Pedrick Farm
Block 31, Lots 5
Block 32, Lot 2
South Harrison Township, Gloucester County



- | Farmland Preservation Program | |
|---|-------------------------|
| | PRESERVED EASEMENT |
|  | EXCEPTION AREA |
| | PRESERVED EASEMENT / NR |
|  | EXCEPTION AREA / NR |
| | FINAL APPROVAL |
| | PRELIMINARY APPROVAL |
| | ACTIVE APPLICATION |
| | 8 YEAR PRESERVED |
| | TARGETTED FARM |
|  | INACTIVE APPLICATION |
|  | NO CORRESPONDING DATA |

- State Planning Areas**
-  (HRA) METRO
 -  (HRA) BOULDER
 -  (HRA) FRONT RANGE
 -  (HRA) POUDE RIVER
 -  (HRA) SAGE RIVER
 -  (HRA) SNAKE RIVER
 -  (HRA) SOUTH PLATTE
 -  (HRA) FOOTHILLS
 -  (HRA) MOUNTAIN
 -  (HRA) NORTH PLATTE
 -  (HRA) WEST PLATTE
 -  (HRA) WIND RIVER
 -  (HRA) YAMPA RIVER
- Basin Step**
-  County Boundaries
 -  Municipal Boundaries
 -  Highlands Planning Area
 -  Metropolitan Preservation Area

May 2012

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R1(6)

Request for Division of Premises

January 24, 2013

Subject Property:

**Harry & Jean DuBois and the Estate of Maurice Dubois
Block 22, Lots 3 and 7
Pilesgrove Township, Salem County
Block 21, Lots 1 and 2, and Block 22, Lot 10
Oldmans Township, Salem County**

WHEREAS, Harry and Jean DuBois and the Estate of Maurice Dubois hereinafter "Owners" were the record owners of Block 22, Lots 3 and 7 in Pilesgrove Township, Salem County, and Block 21, Lots 1 and 2, and Block 22, Lot 10 in Oldmans Township, Salem County, hereinafter referred to as the "Premises", by deed dated April 23, 2002 and recorded in the Salem County Clerk's office in Deed Book 11000, Page 12900 and by deed dated December 31, 1958 and recorded in the Salem County Clerk's office in Deed Book 391, Page 235; and

WHEREAS, the Premises totals approximately 276.80 acres, as shown in Schedule "A"; and

WHEREAS, a development easement on the Premises was conveyed to the Salem County Board of Chosen Freeholders pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated January 19, 1999 and recorded in the Salem County Clerk's Office in Deed Book 1004, Page 125; and

WHEREAS, the Deed of Easement references six (6) existing residences, one (1) agricultural labor residence, no residual dwelling site opportunities (RDSO) and no exception areas; and

WHEREAS, by Deed dated December 31, 2011 and recorded in the Salem County Clerk's Office in Deed Book 3394, Page 410, the Owners conveyed Block 22, Lot 7, in Pilesgrove Township and Block 21, Lots 1 and 2 and Block 22, Lot 10 in Oldmans Township to Edward and Barbara Byrnes, hereinafter "Purchasers"; and

WHEREAS, the Purchasers are long time grain and vegetable farmers from this area, presently farming approximately 1,100 acres in various fresh market vegetables; and

WHEREAS, the Purchasers home farm is adjacent across the street from the Premises;
and

WHEREAS, the Purchasers have rented the Premises from the Owners for 20 years, and purchased the property to increase their land holdings to allow for expansion of their operation; and

WHEREAS, upon review of sales comparables in the summer of 2012, SADC staff determined that Block 22, Lot 7, in Pilesgrove Township and Block 21, Lots 1 and 2 and Block 22, Lot 10 in Oldmans Township had been conveyed to the Purchasers without SADC or CADB approval and advised the CADB accordingly; and

WHEREAS, Salem CADB staff advised the Owners and Purchasers that the Premises was not in compliance with the Deed of Easement and that a division of premises request, approved by the CADB and State Agriculture Development Committee (SADC), was necessary; and

WHEREAS, the Owners propose to divide the Premises as shown in Schedule "A"; and

WHEREAS, the Owners have retained ownership of Block 22, Lot 3, in Pilesgrove Township (Parcel-A) and sold Block 22, Lot 7, in Pilesgrove Township and Block 21, Lots 1 and 2 and Block 22, Lot 10 in Oldmans Township (Parcel-B) to Edward and Barbara Byrnes; and

WHEREAS, paragraph 15 of the Deed of Easement states that no division of the Premises shall be permitted without the joint approval in writing of the Grantee and the SADC; and

WHEREAS, in order to grant approval, the Grantee and the SADC must find that the division is for an agricultural purpose and will result in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and

WHEREAS, by resolution dated November 28, 2012, the CADB approved the request to divide the Premises into two (2) parcels along existing lot lines as follows:

Parcel A – Block 22, Lot 3 in Pilesgrove Township

Parcel B – Block 22, Lot 7, in Pilesgrove Township and Block 21, Lots 1 and 2 and Block 22, Lot 10 in Oldmans Township

WHEREAS, in support of its determination, the CADB found that the division of Premises was for an agricultural purpose as it will help secure the expansion of the Byrnes family farming operation; and

WHEREAS, in support of its determination, the CADB found that the division of Premises resulted in agriculturally viable parcels, with resulting parcels containing significant quantities of quality soils; and

WHEREAS, the resulting Parcel-A would result in a 147+/- acre property that is approximately 95% (140 acres) tillable with 32% (47 acres) prime soils, 59% (87 acres) soils of Statewide Importance, with 6.03 acres of freshwater wetlands; and

WHEREAS, the resulting Parcel-A would include four (4) existing single-family residences and several farm outbuildings; and

WHEREAS, Parcel-A is improved with an irrigation pond, an irrigation well and underground mains over the entire parcel; and

WHEREAS, the resulting Parcel-B would result in an 129+/- acre property that is approximately 81% (105 acres) tillable with 54% (69.5 acres) prime soils, 25% (32 acres) soils of statewide importance identified, with 18 acres of freshwater wetlands; and

WHEREAS, the resulting Parcel-B includes two (2) existing single family residences, an agricultural labor dormitory and several farm outbuildings; and

WHEREAS, Parcel-B is improved with an irrigation pond and underground mains throughout the entire parcel; and

WHEREAS, on January 11, 2013, SADC staff visited the site and found all of the tillable acres on Premises planted in cover crops and spring grains; and

WHEREAS, the primary outputs of the two parcels have historically been grains and vegetables; and

WHEREAS, the SADC makes the following findings related to its determination of whether the division will result in agriculturally viable parcels, such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output:

- 1) Each parcel contains a significant acreage of high quality, tillable soils, as follows:
 - Parcel A, at 147 acres, has 140 tillable acres with approximately 47 acres of prime soil and 87 acres soils of statewide importance;
 - Parcel B, at 129 acres, has 105 tillable acres with approximately 69.5 acres of prime soils and 32 acres of soil of statewide importance;

WHEREAS, the SADC makes the following findings related to its determination of whether this application meets the agricultural purpose test:


- 1) The division was undertaken for purposes of expanding the Byrnes family agricultural operation;
- 2) The Byrnes family agricultural operation has, over the past 20 years, maintained a high degree of stewardship of both Parcels A and B.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose and results in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output due to the size of the two proposed parcels and the quality of the soils present on both parcels; and

BE IT FURTHER RESOLVED, that the SADC's approval of the division of the premises is subject to, and shall be effective upon, the recording of the SADC's approval resolution; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1-24-13
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	OPPOSED
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

Schedule "A"

x:/projects/farmview.mxd



Farmland Preservation Program NJ State Agriculture Development Committee

Dubois Farm
Block 22, Lots 3 & 7
Pilesgrove Township
Block 21, Lots 1 & 2 and Block 22, Lot 10
Oldmans Township, Salem County



Farmland Preservation Program

- PRESERVED EASEMENT
- EXCEPTION AREA
- PRESERVED EASEMENT / NR
- EXCEPTION AREA / NR
- FINAL APPROVAL
- PRELIMINARY APPROVAL
- ACTIVE APPLICATION
- 8 YEAR PRESERVED
- TARGETTED FARM
- INACTIVE APPLICATION
- NO CORRESPONDING DATA

State Planning Areas

- RURAL WETLANDS
- RURAL DEVELOPMENT
- RURAL FOREST
- RURAL RESIDENTIAL
- RURAL RURAL, DAY USE
- RURAL DAY USE
- RURAL DAY, SENSITIVE BARRIER IS
- RURAL FARMLAND
- RURAL
- MILITARY
- NEW JERSEY BEACH/LAKEFRONT
- WATER
- BLUE ISLAND 31
- BLUE ISLAND 37

Base Map

- County Boundaries
- Municipal Boundaries
- Highlands Planning Area
- Highlands Preservation Area

May 2012

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R1(7)

Lahaway Creek Farm LLC

January 24, 2013

Installation of a Solar Energy Generation Facility, Structures and Equipment on an Existing Structure Located on a Preserved Farm

Subject Property: Lahaway Creek Farm LLC
Block 55, Lot 17
Upper Freehold Township, Monmouth County
69.87-Acres

WHEREAS, Lahaway Creek Farm LLC, hereinafter, Owner, is the record owner of Block 55, Lot 17, in Upper Freehold Township, Monmouth County, by Deed dated May 26, 2005, and recorded in the Monmouth County Clerk's Office, in Deed Book 8470, Page 1472, totaling approximately 69.87 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Monmouth on September 27, 1989, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:11 et seq., P.L. 1983, c. 32, as a Deed of Easement, recorded in Deed Book 4961, Page 0129; and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, the SADC must adopt regulations to implement P.L. 2009, c.213 (N.J.S.A. 4:1C-32.4) hereinafter, referred to as "the Act"; and

WHEREAS, the SADC, in conjunction with the Office of the Attorney General, has determined that it may accept and consider applications for the construction of renewable energy generating facilities on preserved farms, prior to the adoption of rules, only in cases where the project will not result in the creation of any new impervious cover and the review is based solely upon criteria listed in subsection (a) of the Act; and

WHEREAS, subsection (a) of the Act states that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided the systems:

- (1) do not interfere significantly with the use of the land for agricultural or horticultural production, as determined by the committee;
- (2) are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer of the biomass, solar, or wind energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the biomass, solar, or wind energy generation to purchase the facilities, structures, or equipment;
- (3) are used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm; and
- (4) are limited (a) in annual energy generation capacity to the previous calendar year's energy demand plus 10 percent, in addition to what is allowed under subsection b. of this section, or alternatively at the option of the landowner (b) to occupying no more than one percent of the area of the entire farm including both the preserved portion and any portion excluded from preservation.
- (5) The person who owns the farm and the energy generation facilities, structures, and equipment may only sell energy through net metering or as otherwise permitted under an agreement allowed pursuant to paragraph (2) of this subsection.

WHEREAS, the Owner submitted an "Application for Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland" pursuant to N.J.S.A. 4:1C-32.4; and

WHEREAS, the Owner is seeking SADC approval for the construction of a photovoltaic solar energy generation facility on portions of two roof tops of existing barns on the Premises which will provide electricity to these two barns as well as the farm office located on a non-preserved area next to one of the barns; and

WHEREAS, the buildings that will support the solar energy generation facilities are two equine surgery barns on the premises, with roof tops totaling approximately 9,700 square feet in size as identified on Schedule "A"; and

WHEREAS, the agricultural operation consists of an equine veterinary/breeding/raising farm and the electrical energy demand of the farm is generated from service to the barns on the premises and the farm office on the farm; and

WHEREAS, the farm's energy demand for the previous calendar year was 17.42 kilowatts (kW) as confirmed by the Owner's submission of 12 months of utility bills; and

WHEREAS, there are no other renewable energy generation facilities existing on the Premises; and

WHEREAS, the rated capacity of the proposed solar energy generation facility is 14.72 kW; and

WHEREAS, the solar energy generation facility is owned by the Owner; and

WHEREAS, the Owner provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the Owner provided evidence that the annual solar energy generation does not exceed the previous calendar year's energy demand; and

WHEREAS, as a result of the panels being installed on the roof of a structure no new impervious cover or soil disturbance will result from the installation of the solar energy generation facilities, structures and equipment; and

WHEREAS, the farm office sits on an approximately one-acre area that was excluded from the easement purchase application at the time of preservation of this farm; and

WHEREAS, the one-acre parcel has never been severed from the preserved farm and contains land and an office which serve an integral part of the production operations of the overall farm; and

WHEREAS, pursuant to N.J.S.A. 4:1C-32.4, the SADC forwarded a copy of the Owner's application to the Monmouth County Agriculture Development Board, to provide comments concerning the installation, construction, operation and maintenance of the solar energy generation facility, structures and equipment; and

WHEREAS, on March 7, 2012, the Monmouth CADB discussed the solar energy generation facility and has indicated that the Board has no objections to the Lahaway Creek Farm application.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owner has complied with all of the provisions of N.J.S.A. 4:1C-32.4 concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facility, structures and equipment consisting of approximately 1,400 square feet and having a rated capacity of 14.72 kW of energy located on the roof tops of a two barns in the locations identified on Schedule "A", and;

BE IT FURTHER RESOLVED, that as a condition of this approval the farm office on the exception area which is currently part of the overall farm operation may not be sold separate and apart from the Premises, or used for a non-agricultural purpose, unless all the solar energy generating system components linking it to the solar panels on the Premises have been removed; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A 4:1C-4f.

1-24-13

DATE



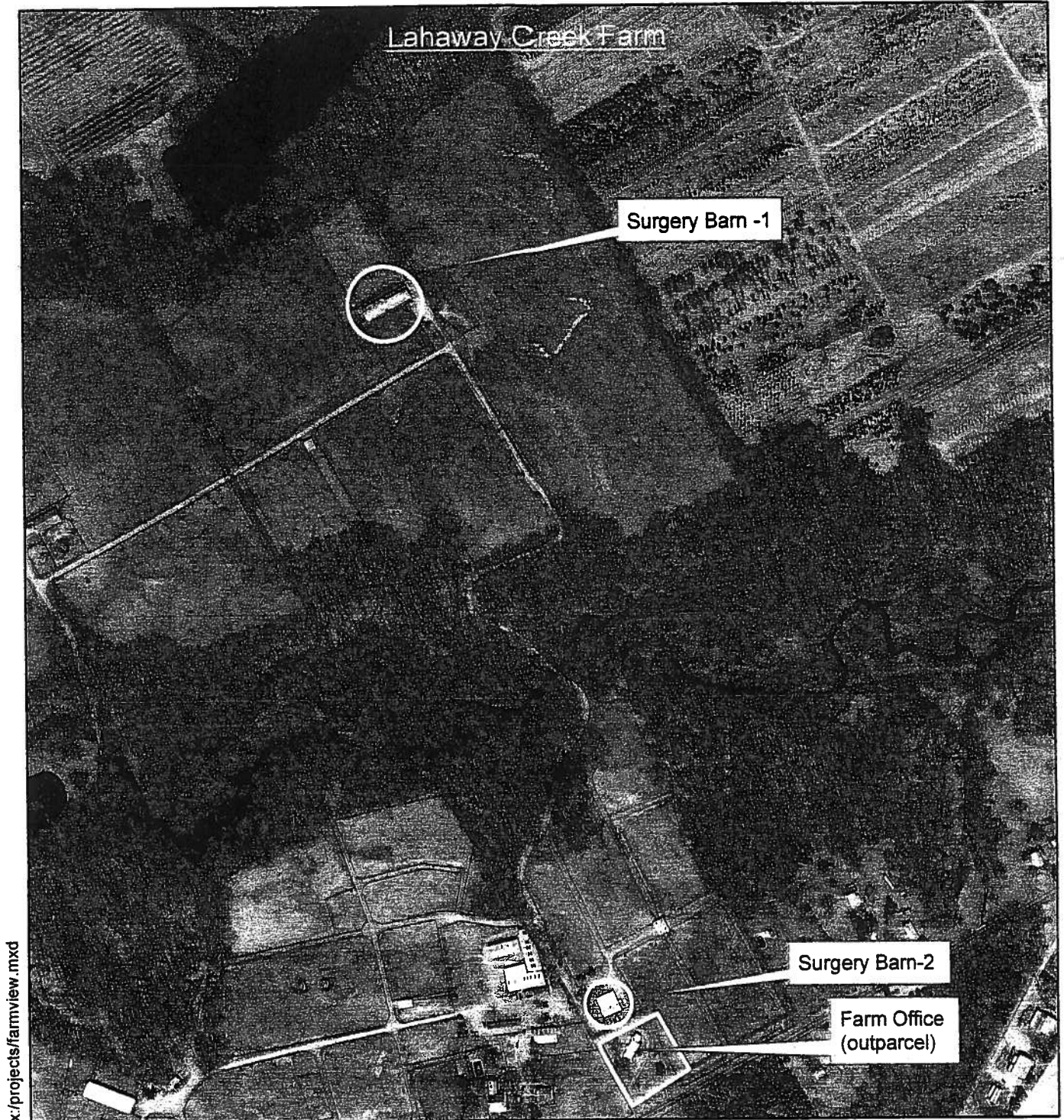
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

S:\EP\MON\Lahaway Creek-Meirs\Solar Resolution -Lahaway Creek.doc

Schedule "A"



x:/projects/farmview.mxd

Farmland Preservation Program NJ State Agriculture Development Committee

Lahaway Creek Farm
Block 55, Lot17
69.87 ac
Upper Freehold Twp., Monmouth County



Farmland Preservation Program

- PRESERVED EASEMENT
- EXCEPTION AREA
- PRESERVED EASEMENT / NR
- EXCEPTION AREA / NR
- FINAL APPROVAL
- PRELIMINARY APPROVAL
- ACTIVE APPLICATION
- 8 YEAR PRESERVED
- TARGETTED FARM
- INACTIVE APPLICATION
- NO CORRESPONDING DATA

- State Planning Areas
- SPN1 METRO
 - SPN2 SUBURBAN
 - SPN3 FRINGE
 - SPN4 RURAL
 - SPN5 RURAL DEV EDGE
 - SPN6 DEV EDGE
 - SPN7 DEV AGGRESSIVE SUBURBAN IS
 - SPN8 RURAL LANDSCAPE
 - SPN9 RURAL LANDSCAPE
 - SPN10 RURAL LANDSCAPE
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 - SPN96 RURAL LANDSCAPE
 - SPN97 RURAL LANDSCAPE
 - SPN98 RURAL LANDSCAPE
 - SPN99 RURAL LANDSCAPE
 - SPN100 RURAL LANDSCAPE
- Base Map
- County Boundaries
 - Municipal Boundaries
 - Highlands Planning Area
 - Highlands Preservation Area
 - Preserved Area

May 2012

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R1(8)

**Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
Hunterdon Land Trust - Horoschak Farm
2011 Non Profit Round - SADC #10-0061 NP**

January 24, 2013

WHEREAS, on December 20, 2010 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from Hunterdon Land Trust ("HLT") for the Horoschak farm identified as Block 49, Lots 16 and 18, Franklin Township, Hunterdon County, totaling approximately 133 acres, hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property contains one 5-acre non-severable exception area limited to one single family residence; and

WHEREAS, the farm is approximately 38 percent cropland harvested and was in field crop (hay) production at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on April 28, 2011 the SADC granted preliminary approval by Resolution #FY2011R4(7) to the HLT application and appropriated \$1,445,000 for the acquisition of development easements or fee simple interest to four farms which HLT had submitted including the Property; and

WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, at the time of SADC preliminary approval the Property had a quality score of 63.55, however, subsequently a small wooded lot (Lot 18) was removed from the application and the acreage became 125 acres, reducing the quality score to 64.20 which is still greater than 70% of the County average quality score of 43 as determined on June 24, 2010; and

WHEREAS, the owner has read and signed SADC Guidance Documents regarding Exceptions, Division of Premises and Non-agricultural uses; and

WHEREAS, HLT has not received Final Approval or closed any of the four farms they submitted in the 2011 Round, therefore there is a balance of \$1,445,000 available; and

WHEREAS, in accordance with N.J.A.C. 2:76-15.1 if two appraisals have been obtained on a parcel and the difference between the two appraisal values is 10 percent of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values. The two appraisals submitted were within 10 percent of the highest appraisal value and the resulting average was \$6,650 per acre; and

WHEREAS, on September 27, 2012 the SADC certified the easement value of the Property to be \$6,650 per acre based on current zoning and environmental regulations (as of August 19, 2012); and

WHEREAS, the SADC advised HLT of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of HLT's eligible costs and subject to available funds from the \$1,445,000 appropriated in the 2011 Nonprofit round; and

WHEREAS, on December 28, 2012 HLT informed the SADC that it will accept SADC cost share of \$3,325 per acre and the landowner was willing to accept \$6,700 which is equal to the highest appraised value; and

WHEREAS, HLT has stated that the farm is included on HLT's Federal United States Department of Agriculture, Natural Resources Conservation Service FRPP grant application as a targeted farm and they intend to utilize these Federal Grant funds for their matching grant; and

WHEREAS, the HLT/Horoschak farm is eligible for a 50% Federal grant for \$402,000 based on 50% of the NRCS anticipated approved easement value of \$6,700; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP funding, including a 5% maximum impervious coverage restriction (approximately 6.0 acres available for impervious coverage including agricultural related structures) on the lands being preserved outside of the exception area; and

WHEREAS, on December 13, 2012 Franklin Township passed Resolution 2012-101 showing its support for the project and financial commitment of up to \$12,550; and

WHEREAS, the anticipated cost share participation for the project will be as follows based on 120 acres:

HLT FRPP Grant	\$402,000	\$3,350/ acre (50% of \$6,700)
Franklin Township Funds	\$ 3,000	\$ 25/ acre (0.4% of \$6,700)
SADC Nonprofit Grant Funds	<u>\$399,000</u>	<u>\$3,325/ acre (50% of \$6,650)</u>
Total	\$804,000	\$6,700/ acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to HLT for up to 50% of the eligible ancillary costs which will be deducted from its appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the HLT/Horoschak easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$3,325 per acre (total of approximately \$399,000 based on 120 acres) to Hunterdon Land Trust for the development easement acquisition on the Property farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the SADC approves the use of HLT Federal Farm and Ranch Land Protection Program funds for the preservation of the Horoschak farm, which will include an impervious coverage limitation of 5% and other restrictions required under the Federal Farm and Ranch Land Protection Program; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1; and

BE IT FURTHER RESOLVED, the SADC's cost share grant to Hunterdon Land Trust for the development easement purchase on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to the Hunterdon Land Trust for the acquisition of a development easement on the Horoschak farm; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1-24-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

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Application within the (PA4b) Rural Env Sensitive Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Horoschak Farm/HLTA
Block 49 Lots P/O 16 (120 ac)
& P/O 16-EN (non-severable exception - 5.0 ac)
Est. Net Easement Acres = 120 ac
Franklin Twp., Hunterdon County

500 250 0 500 1,000 Feet



Property In Question	
	NS - (Non-Severable) Exception
	SE - (Severable) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned Off & Recreation Easement

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
B - 300' Buffer
W - Water

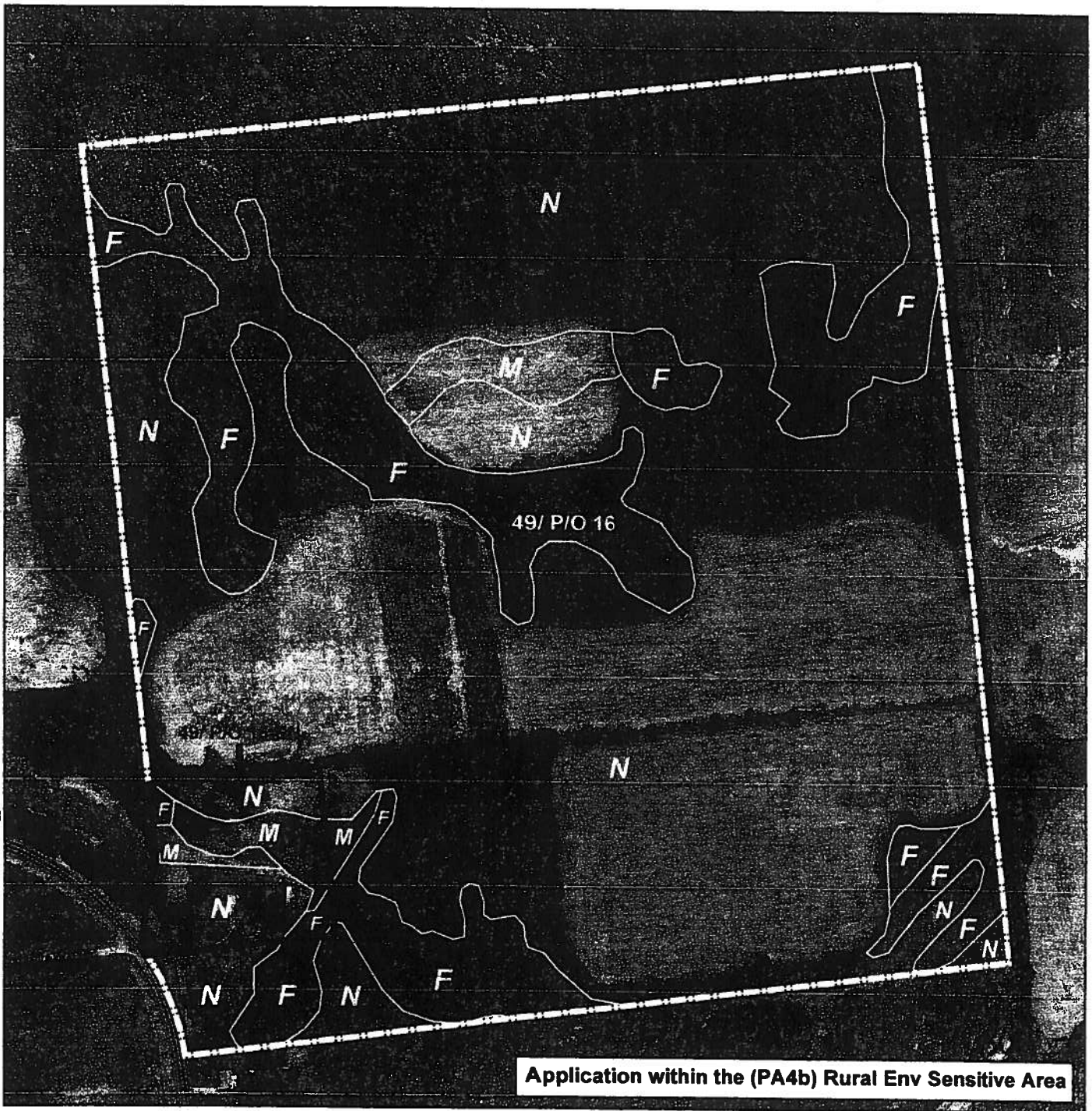
DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

September 18, 2012

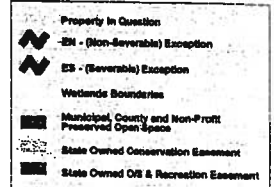
Schedule A

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Horoschak Farm/HLTA
Block 49 Lots P/O 16 (120 ac)
& P/O 16-EN (non-severable exception - 5.0 ac)
Est. Net Easement Acres = 120 ac
Franklin Twp., Hunterdon County



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

September 18, 2012

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Schedule B

HLTA/Horoschak Farm			
10- 0061-NP			
FY 2011 Easement Purchase - Nonprofit			
120 Acres			
Block 49	Lot 16	Franklin Twp.	Hunterdon County
SOILS:		Prime	30% * .15 = 4.50
		Statewide	70% * .1 = 7.00
			SOIL SCORE: 11.50
TILLABLE SOILS:		Cropland Harvested	38% * .15 = 5.70
		Woodlands	62% * 0 = .00
			TILLABLE SOILS SCORE: 5.70
FARM USE:	Hay	50 acres	

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st five (5) acres for homestead and flexibility of use
 - Exception is not to be severable from Premises
 - Right to Farm language is to be included in Deed of Easement
 - Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions:
 1. Federal language with 5% impervious coverage restriction
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R1(9)

**Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
D&R Greenway Land Trust, Inc. - Battiato Farm
2011 Non Profit Round - SADC #17-0038 NP**

January 24, 2013

- WHEREAS, on December 20, 2010 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from D&R Greenway Land Trust, Inc. ("D&R") for the Battiato farm identified as Block 39, Lot 13, Mannington Township, Salem County, totaling approximately 58 net easement acres hereinafter referred to as "Property" (Schedule A); and
- WHEREAS, the application contains a two (2) acre non-severable exception around one existing single family residence; and
- WHEREAS, as per SADC appraisal standards for Properties with significant riparian lands or non-riparian border water, the appraisers based the per acre analysis on the non-riparian and non-open water area only; and
- WHEREAS, as per Policy P-3-B Supplement although the easement will cover riparian and border water acreage the SADC will not provide a cost share on this area; and
- WHEREAS, based on the uplands area, the farm it is approximately 90 percent cropland harvested and pasture and was in corn production and pasture at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and
- WHEREAS, on April 28, 2011 the SADC granted preliminary approval by Resolution #FY2011R4(7) to the D&R application and appropriated \$1,943,000 for the acquisition of development easements or fee simple interest to six farms which D&R had submitted including the Property; and
- WHEREAS, D&R has received Final Approval for the Waddington, Carpenter Jr. and Carpenter III farms in the 2011 Round which will utilize approximately \$416,730.25 of the appropriated funds, leaving a balance of approximately \$1,526,269.75; and
- WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, the Property has a quality score of 73.24 which is greater than 70% of the County average quality score of 69.77 as determined on June 24, 2010; and

WHEREAS, the owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, in accordance with N.J.A.C. 2:76-15.1 if two appraisals have been obtained on a parcel and the difference between the two appraisal values is 10 percent of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values. The two appraisals submitted were within 10 percent of the highest appraisal value and the resulting average was \$6,975 per acre; and

WHEREAS, on December 13, 2012 the SADC certified the easement value of the Property to be \$6,975 per acre based on current zoning (as of September 27, 2012), which certification is still subject to the Governor's review period of the SADC's December 13, 2012 meeting minutes ; and

WHEREAS, the SADC advised D&R of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of D&R's eligible costs and subject to available funds from the \$1,943,000 appropriated in the 2011 Nonprofit round; and

WHEREAS, D&R informed the SADC that it will accept SADC cost share of \$3,487.50 per acre and D&R is prepared to move forward with the project; and

WHEREAS, D&R has stated that the farm is included on D&R's Federal United States Department of Agriculture, Natural Resources Conservation Service FRPP grant application as a targeted farm and that they intend to utilize these Federal Grant funds for their matching grant; and

WHEREAS, the D&R/ Battiato farm is eligible for a Federal grant up to 50% of the FRPP approved easement value; and

WHEREAS, for purposes of this resolution the SADC will utilize the certified easement value of \$6,975 for the 50% FRPP grant or approximately \$177,862.50 based on 51 payment acres (non-riparian/ non water boundary); and

WHEREAS, should alternate FRPP funding become available from other funding years or though other qualified entities such as the SADC, a Non-Profit organization or County it may be utilized if such funding benefits the easement acquisition and/or the successful use of FRPP funding; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP Grant, including a 7% maximum impervious coverage restriction (approximately 3.6 acres available for impervious coverage including agricultural related structures) on the lands being preserved outside of the exception area; and

WHEREAS, the anticipated cost share participation for the project will be as follows based on 51 (non-riparian/non water boundary) acres:

D&R FRPP Grant	\$177,862.50	\$3,487.50/acre	(50% of \$6,975)
SADC Nonprofit Grant Funds	<u>\$177,862.50</u>	<u>\$3,487.50/acre</u>	(50% of \$6,975)
Total	\$355,725.00	\$6,975/acre; and	

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to D&R for up to 50% of the eligible ancillary costs which will be deducted from its appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the D&R Greenway Land Trust, Inc./ Battiato easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, that this final approval is subject to and conditioned upon the expiration of the Governor's veto period for the minutes of both the December 13, 2012 and January 24, 2013 SADC meetings; and

BE IT FURTHER RESOLVED, that the SADC approves a 2 acre non-severable exception around the existing home that shall be limited to one single family residence; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$3,487.50 per acre (total of approximately \$177,862.50 based on 51 acres) to D&R Greenway Land Trust, Inc. for the development easement acquisition on the Property farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the SADC approves the use of D&R Federal Farm and Ranch Land Protection Program funds for the preservation of the Battiato farm, which will include an impervious coverage limitation of 7% and other restrictions required under the Federal Farm and Ranch Land Protection Program; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1; and

BE IT FURTHER RESOLVED, the SADC's cost share grant to D&R Greenway Land Trust, Inc. for the development easement purchase on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVE, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to the D&R Greenway Land Trust, Inc. for the acquisition of a development easement on the Battiato farm; and

BE IT FURTHER RESOLVED that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1-24-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

Wetlands

Schedule A



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Janice Battiato Farm/D & R Greenway
Block 39 Lots P/O 13 (59.2 ac)
& P/O 13-EN (non-severable exception - 2.0 ac)
Gross Total = 61.2 ac
Mannington Twp., Salem County

TIDELANDS DISCLAIMER:
The linear features depicted on this map were derived from the NJDEP's CD ROM series 1, volume 4, "Tidelands Claims Maps".
These linear features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau
of Tidelands Management can perform an official determination of Tidelands/Riparian claims.

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.
The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed
primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and
map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground
horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed
Professional Land Surveyor



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJGIT/OGIS 2007/2008 DigitalAerial Image

January 24, 2011

State Agriculture Development Committee Schedule B
 SADC Final Review: Development Easement Purchase

D&R Greenway/Battiato
 17-0038-NP

FY 2011 Easement Purchase - Nonprofit
 58 Acres

Block 39 Lot 13 Mannington Twp. Salem County

SOILS:

Local	14.2% *	.05	=	.71
Prime	85.8% *	.15	=	12.87

SOIL SCORE: 13.58

TILLABLE SOILS:

Cropland Pastured	23.3% *	.15	=	3.50
Cropland Harvested	58.3% *	.15	=	8.75
Other	1.8% *	0	=	.00
Woodlands	16.6% *	0	=	.00

TILLABLE SOILS SCORE: 12.24

FARM USE: Corn-Cash Grain 35 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for home/farmstead & future flexibility
 - Exception is not to be severable from Premises
 - Right to Farm language is to be included in Deed of Easement
 - Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions:
 1. FRPP - 7% impervious coverage
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R1(10)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**MERCER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Allan and Jean Moore
Hamilton Township, Mercer County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 11-0171-PG
January 24, 2013**

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Mercer County, ("County") pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Mercer County received SADC approval of its FY2013 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on March 11, 2011 the SADC received an individual application for the sale of a development easement from Mercer County for the Moore ("Owner") Farm identified as Block 2739, Lot 2, Hamilton Township, Mercer County, totaling approximately 49 net acres ("Property") and as identified on the attached map (Schedule A); and

WHEREAS, the Property is located in Mercer County's Hamilton Project Area; and

WHEREAS, the Property has a 3.0 acre non-severable exception containing an existing single family residence that cannot exceed 4,000 square feet of living space in the future; and

WHEREAS, the Property has no pre-existing non-agricultural uses and no residences for agricultural labor on the area to be preserved outside of the exception area; and

WHEREAS, the Owner has read and signed the SADC's guidance document for Exception Areas, Division of the Premises and Non Agricultural Uses; and

WHEREAS, the Property has a rank score of 69.03 which exceeds 70% of the County's average quality score of 54, as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on April 18, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 26, 2012 the SADC certified a development easement value of \$11,400 per acre based on current zoning and environmental regulations as of September 15, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$13,450 per acre for the development easement for the Property, which is greater than the certified value of \$11,400 but, less than the highest appraised value of \$15,900 per acre; and

WHEREAS, on November 30, 2012 the County submitted the Moore application to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, to date the County has not encumbered any funds from its \$1,500,000 FY2011 base grant funds (Schedule B); and

WHEREAS, the County will utilize FY11 base grant funding to cover the SADC cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 50.47 acres will be utilized to calculate the SADC grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 50.47 acres):

	<u>Cost Share</u>	
SADC	\$345,214.80	(\$6,840 per acre, 60% of SADC certified value of \$11,400)
<u>Mercer County</u>	<u>\$333,606.70</u>	<u>(\$6,610 per acre)</u>
	\$678,821.50	(13,450 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Hamilton Township approved the application on November 20, 2012, the County Agriculture Development Board approved the application on October 1, 2012 and the County Board of Chosen Freeholders approved the application on October 11, 2012 with its funding commitment; and

WHEREAS, the Mercer County Agriculture Development Board is requesting \$345,214.80 from its FY11 base grant funding), leaving a cumulative balance of \$1,154,785.20 in their FY11 base grant (Schedule B); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grants; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to Mercer County for the purchase of a development easement on the Moore Farm, comprising approximately 50.47 acres, at a State cost share of \$6,840 per acre (60% of certified market value) for a total grant need of approximately \$345,214.80 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that to account for any potential increase in the estimated acreage utilized for evaluation purposes has been increased by 3% and has been applied to the funds encumbered from the County's base grant: and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other application's encumbrance; and

BE IT FURTHER RESOLVED, any unused funds including the 3% buffer, if utilized, encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund) after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

1-24-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

Wetlands

Schedule A

Application within the (PA4) Rural Area



x:\counties\merco\projects\moore2_fw.mxd

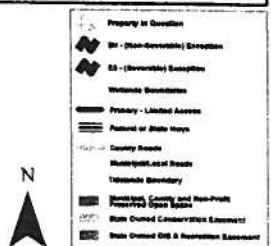
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Allan and Jean Moore
Block 2739 Lots P/O 2 (49.6 ac)
& P/O 2-EN (non-severable exception - 3.0 ac)
Gross Total = 52.6 ac
Hamilton Twp., Mercer County

250 125 0 250 500 Feet

TIDELANDS DISCLAIMER
The linear features depicted on this map were derived from the NJDEP's CD ROM series 1, volume 4, "Tidelands Claims Maps". These linear features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau of Tidelands Management can perform an official determination of Tidelands/Riparian claims.

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
DVRPC 2010 Digital Aerial Image

January 17, 2013

20120101

Mercer County
FY11 funding

New Jersey Farmland Preservation Program
Preservation Program

County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Farm	Municipality	App. No Buffer Acres	App Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved		SADC Grant Per Acre	Actual Easement Consideration	SADC		1,500,000				3,000,000		Cap	Cum	Balance subject to availability & approval
					Per Acre	Per Acre			Cost	Encumbered at Final	Base Grant		Balance	Competitive Grant					
											Share	PV Encumbered			Expend	Balance			
Moore, Allan	Hamilton	49	50.470	11,400.00	13,450.00	6,840.00	678,821.50	345,214.80					345,214.80		3,000,000	4,500,000.00	345,214.80	4,154,785.20	
Skeba, Stanley	E. Windsor	19,000		12,000.00	estimate,	7,200.00	136,800.00												
Hamill, Samuel M. Jr.	Lawrence	34,000		25,000.00	estimate	15,000.00	510,000.00	510,000.00											
Total Final Approval	1	49,000	50.470				678,821.50	345,214.80				0.00							
Total Pending w/o Funding	2	53,000					646,800.00												
Shortfall																			
Total Encumbered	1	49,000	50.47				678,821.50										345,214.80		
Closed/Expended	0	0,000	0.000					0.00				0.00						-345,214.80	
Total												0.00						345,214.80	
Reprogram Out																			

Schick C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Moore Farm
11- 0171-PG
FY 2011 County PIG Program
49 Acres

Block 2739	Lot 2	Hamilton Twp.	Mercer County			
SOILS:			Other	10% *	0	= .00
			Prime	46% *	.15	= 6.90
			Statewide	44% *	.1	= 4.40
			SOIL SCORE: 11.30			
TILLABLE SOILS:			Cropland Pastured	10% *	.15	= 1.50
			Cropland Harvested	79% *	.15	= 11.85
			Wetlands	8% *	0	= .00
			Woodlands	3% *	0	= .00
			TILLABLE SOILS SCORE: 13.35			
FARM USE:			Soybeans-Cash Grain	44 acres		

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st three (3) acres for existing home/future home based business
 - Exception is not to be severed from Premises
 - Right to Farm language is to be included in Deed of Easement
 - Exception is to be restricted to one single family residential unit(s)
 - 4,000 sq. ft. size restriction on house
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R1(11)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MIDDLESEX COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Jessie K. Voight

Voight Farm

South Brunswick Township, Middlesex County

N.J.A.C. 2:76-17 et seq.

SADC ID# 12-0017-PG

January 24, 2013

WHEREAS, on December 17, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Middlesex County, ("County") pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Middlesex County received its latest SADC approval of its FY2013 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on March 31, 2011 the SADC received an individual application for the sale of a development easement from Middlesex County for the Voight ("Owner") Farm identified as Block 22, Lot 17.0111, South Brunswick Township, Middlesex County, totaling approximately 36 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Middlesex County's Northwestern Project area; and

WHEREAS, the Property has one (1) existing single family residence, zero (0) residences used for agricultural labor, and no pre-existing non-agricultural uses; and

WHEREAS, the Property has one (1), 2 acre severable exception for, and restricted to, one single family residence; and

WHEREAS, the Property is currently an equine operation with approximately 16.9 acres in production as pasture and hay production (Schedule B); and

WHEREAS, approximately 7.70 acres is devoted to equine service (boarding services, riding ring, and a feed lot area and approximately 16.9 acres is devoted to equine production with activities including pasture and hay production and training horses for sale); and

WHEREAS, the Property has a rank score of 41.06 which exceeds 70% of the County's average quality score of 41, as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on August 17, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 28, 2012 the SADC certified a development easement value of \$34,350 per acre based on current zoning and environmental regulations as of the August 17, 2011 valuation date; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$34,350 per acre for the development easement for the Property; and

WHEREAS, on November 20, 2012 the County submitted the application to the SADC to conduct a final review of the for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has \$1,032,656.35 available in SADC FY11 base grant funding available at this time (Schedule D); and

WHEREAS, the County will utilize FY11 base grant funding to cover the SADC cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 37.08 acres will be utilized to calculate the SADC grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 37.08 acres):

	<u>Cost Share</u>	
SADC	\$764,218.80	(\$20,610 per acre or 60%)
South Brunswick Twp.	\$254,739.60	(\$6,870 per acre or 20%)
<u>Middlesex County</u>	<u>\$254,739.60</u>	<u>(\$6,870 per acre or 20%)</u>
	\$1,273,698	(\$34,350 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, South Brunswick Township approved the application on September 11, 2012 and its funding commitment, the County Agriculture Development Board approved the application on October 10, 2012 and the County Board of Chosen Freeholders approved the application on November 15, 2012 with its funding commitment; and

WHEREAS, the Middlesex County Agriculture Development Board is requesting \$764,218.80 from its FY11 base grant funding, leaving a cumulative balance of \$268,437.55 in it's FY11 base grant (Schedule D); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grants; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to Middlesex County for the purchase of a development easement on the Voight Farm, comprising approximately 37.08 acres, at a State cost share of \$20,610 per acre (60% of certified market value and purchase price) for a total grant need of approximately \$764,218.80 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule E); and

BE IT FURTHER RESOLVED that, the equine map (Schedule B) and specialized "*Equine Schedule B*" (draft shown in Schedule C) will be recorded with the Deed of Easement; and

BE IT FURTHER RESOLVED, that to account for any potential increase in the estimated acreage utilized for evaluation purposes has been increased by 3% and has been applied to the funds encumbered from the County's base grant; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other application's encumbrance; and

BE IT FURTHER RESOLVED, any unused funds including the 3% buffer, if utilized, encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund) after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

1-24-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	RECUSED
Denis Germano	YES

Schedule A



x:\counties\midco\projects\voight2_fw.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jesse Voight
Block 22 Lots P/O 17.0111 (34.5 ac)
& P/O 17.0111-ES (severable exception - 2.4 ac)
Gross Total = 37.0 ac
South Brunswick Twp., Middlesex County

250 125 0 250 500 Feet

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



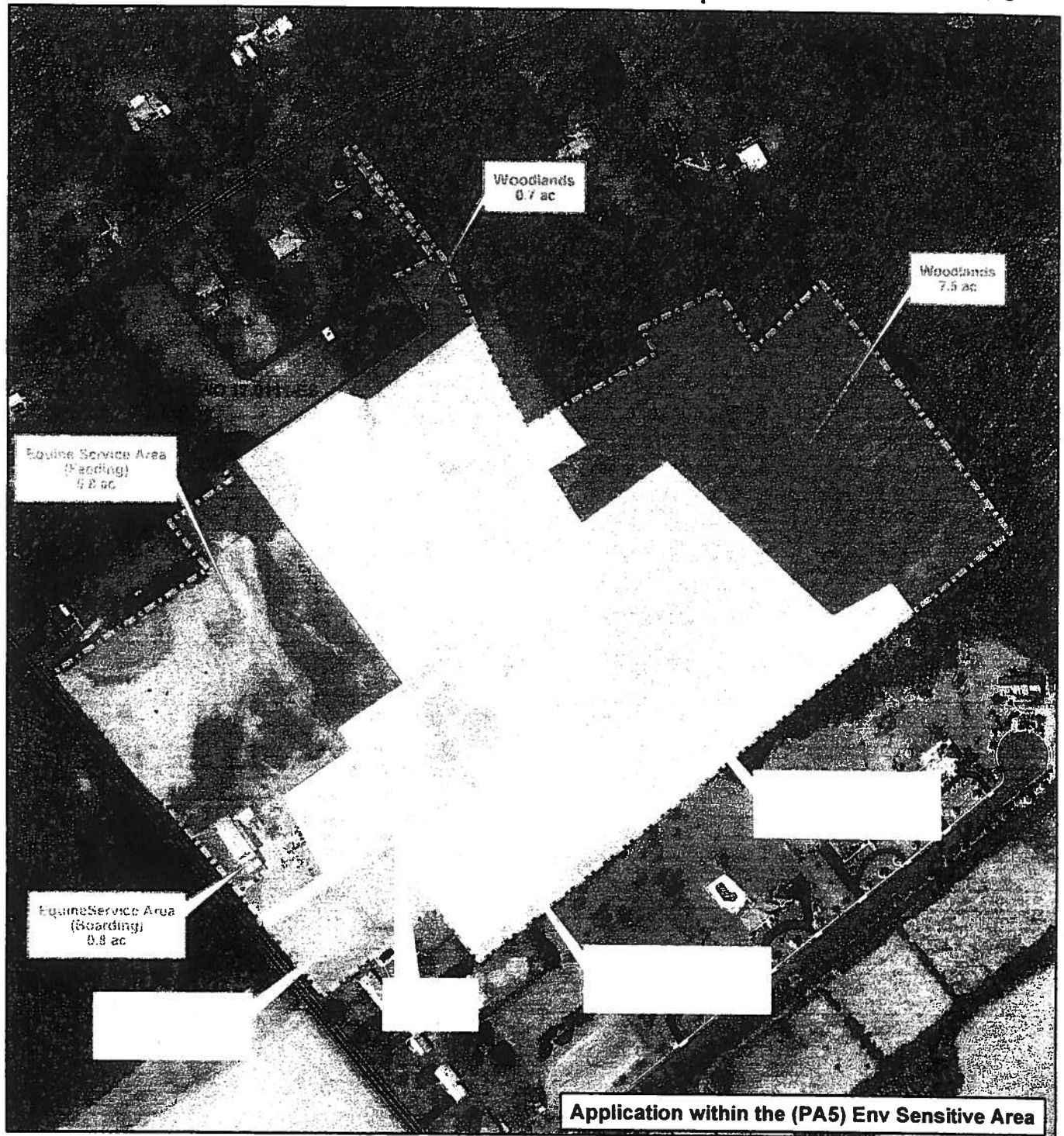
Property in Question	
	SN - (Non-Severable) Exception
	SS - (Severable) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OES & Recreation Easement
	Federal Land

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

July 29, 2011

Voight Farm - Equine Production vs. Equine Service Areas





FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Jesse Voight
 Block 22 Lots P/O 17.0111 (34.5 ac)
 & P/O 17.0111-ES (severable exception - 2.4 ac)
 Gross Total = 37.0 ac
 South Brunswick Twp., Middlesex County

250 125 0 250 500 Feet

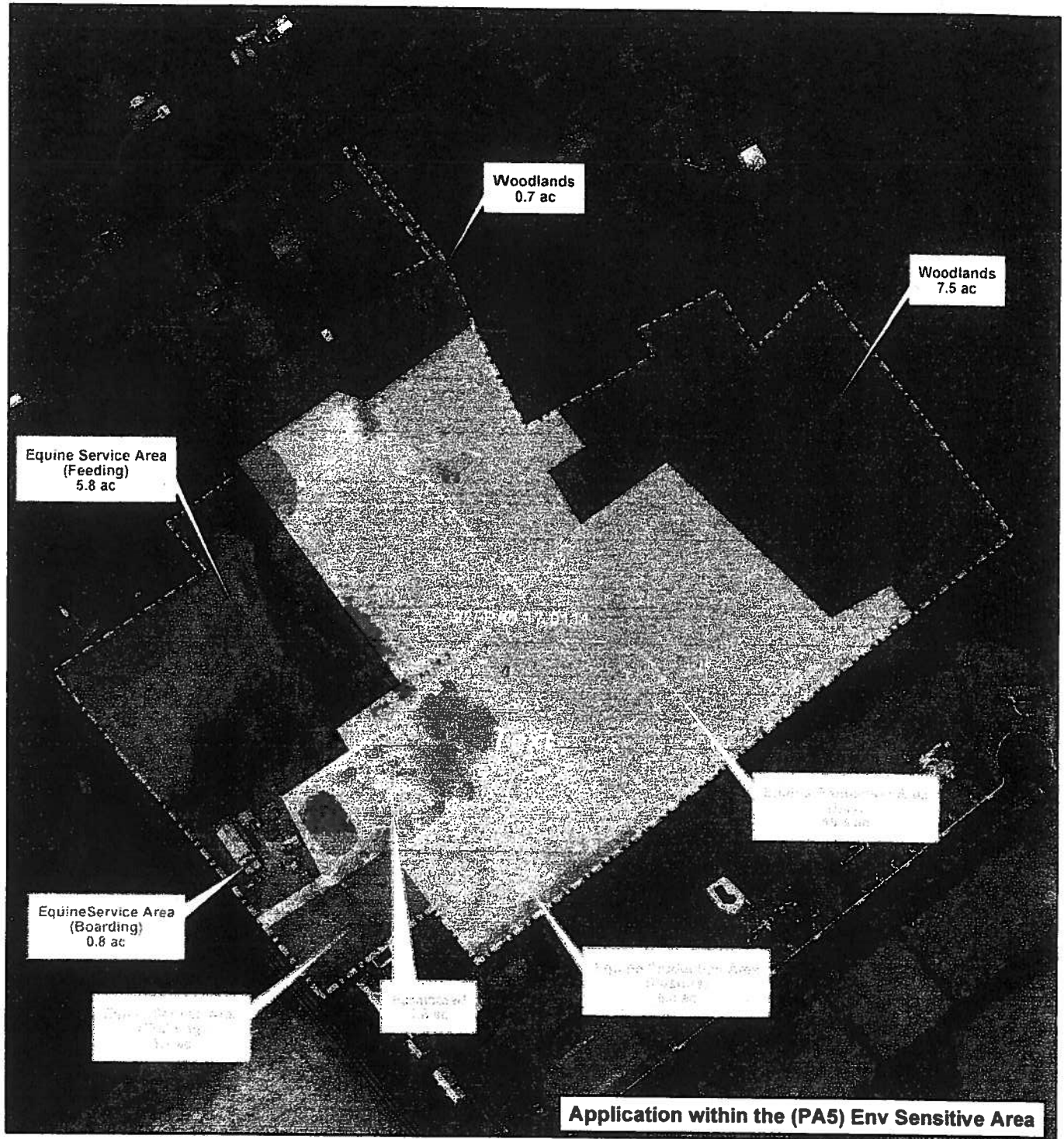
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Property in Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Equine Production (Pasture) - 8.4 ac
	Equine Production (Training Area) - 1.1 ac
	Equine Service Area (Hay) - 10.5 ac
	Equine Service Area (Boarding) - 0.8 ac
	Equine Service Area (Feed Lot) - 5.8 ac
	Woodlands - 8.1 ac
	Farmstead - 1.8 ac

Sources:
 NJOT/OGIS 2007/2008 Digital Aerial Image

July 29, 2011

x:\counties\midco\projects\voight2_equine.mxd



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Jesse Voight
 Block 22 Lots P/O 17.0111 (34.5 ac)
 & P/O 17.0111-ES (severable exception - 2.4 ac)
 Gross Total = 37.0 ac
 South Brunswick Twp., Middlesex County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Equine Production (Pasture) - 8.4 ac
	Equine Production (Training Area) - 1.1 ac
	Equine Service Area (Hay) - 10.5 ac
	Equine Service Area (Boarding) - 0.8 ac
	Equine Service Area (Feed Lot) - 0.8 ac
	Woodlands - 8.1 ac
	Farmstead - 1.8 ac

Sources:
 NJOT/OGIS 2007/2008 Digital Aerial Image

July 29, 2011

Schedule C

SCHEDULE B (deed of easement)

Grantor certifies that at the time of the application to sell the development easement to the Grantee no non-agricultural uses existed. Grantor further certifies that at the time of the execution of this Deed of Easement no non-agricultural uses exist.

Grantor certifies that at the time of the application to sell the development easement to the Grantee and at the time of the execution of this Deed of Easement the following uses occur on the Premises:

Horseback riding lessons, boarding, training and schooling horses, in an arena and stalls, as depicted on the survey dated _____, prepared by _____.

Grantor further certifies that the above uses (hereinafter "equine service activities") are currently ancillary to equine-related production, including pasturing, horse breeding and hay production. "Ancillary" means that the area of land on which equine service activities are conducted is subordinate, secondary and auxiliary in comparison to the area of the farm devoted to equine production activities. Grantor understands and agrees that because the equine service activities are ancillary to equine-related production, the said equine service activities are deemed agricultural uses and are not currently subject to the restrictions placed on non-agricultural uses in Paragraphs 3 and 4 of the Deed of Easement. The areas occupied by equine service activities and equine production activities are depicted on the attached aerial photograph identified as Schedule B1.

Grantor also understands and agrees that if, in the future, equine service activities are no longer "ancillary" as defined above, then the equine service activities will be deemed non-agricultural and will be subject to the restrictions contained in Paragraphs 3 and 4 of the Deed of Easement.

New Jersey Farmland Preservation Program
Preservation Program

County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

	Farm	Municipality	App No Buffer Acres	App Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant%	Easement Consideration	Cost Share	Base Grant		Competitive Grant Balance	Cap Total	Cum Expend	Cum Encumbered	Reprogram	Balance subject to availability & approval
											Encumbered at Final	Balance						
	Kurek	Cranbury	155	159,650	7,750	7,750.00	4,775	61.81%	1,237,287.50	762,328.75	467,343.85	1,032,655.35		4,500,000	0.00	1,231,562.45		3,268,437.55
	Volght, Jesse	South Brunswick	36,000	37,080	34,350	34,350.00	20,610	60.00%	1,273,698.00	764,218.90	764,218.90	268,437.55						
	Reinhardt Konopacki/Indyk Farm	Cranbury Monroe	41,000 37,300		28,500 24,000		17,100 14,400	60.00% 60.00%	1,168,500.00 895,200.00	701,100.00 537,120.00								
	Withdrawn Trustee of Thomas Swales Gasko	Monroe Monroe	124,300 72,000															
	Total Pending	4	269,300	196,730					4,574,695.50	2,764,787.55	1,231,562.45				0.00	1,231,562.45		
	Total Encumbered	2	191,000	196,730					2,510,985.50	1,231,562.45	1,231,562.45							
	Closed/Expended																	
	Total																	
	Reprogram Out																	
	AFT 2011	6	465,600															

Schedule D

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Voight Farm
12- 0017-PG
FY 2010 County PIG Program
36 Acres

Block 22	Lot 17.0111	South Brunswick Twp.	Middlesex County
SOILS:			
	Other	4% *	0 = .00
	Prime	59% *	.15 = 8.85
	Statewide	37% *	.1 = 3.70
			SOIL SCORE: 12.55
TILLABLE SOILS:			
	Cropland Pastured	23% *	.15 = 3.45
	Cropland Harvested	28% *	.15 = 4.20
	Other	15% *	0 = .00
	Permanent Pasture	10% *	.02 = .20
	Woodlands	24% *	0 = .00
			TILLABLE SOILS SCORE: 7.85
FARM USE:			
	Horse & Other Equine		8 acres
	Field Crop Except Cash Grain		16 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for Residential opportunity for daughter
 - Exception is severable
 - Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R1(12)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**SALEM COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Andrew and Leonor Thomas Farm
Upper Pittsgrove Township, Salem County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 17-0103-PG**

January 24, 2013

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Salem County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted approval to Salem County for its 2013 PIG Planning application annual update on May 24, 2012; and

WHEREAS, on October 7, 2011 the SADC received an application for the sale of a development easement from Salem County for the subject farm hereinafter referred to as "Owner" identified as Block 47, Lot 8.02, Upper Pittsgrove Township, Salem County, totaling approximately 12 acres hereinafter referred to as "Property" and as identified on the attached map (Schedule A); and

WHEREAS, the Property is located in Salem County's Cohansey-Pole Tavern (1) project area; and

WHEREAS, there is one (1) single family residence on the Property; and

WHEREAS, at the time of application the Property was in soybean production; and

WHEREAS, the Property has no exception areas and the Owner has read and signed the SADC's guidance documents for Exception Areas, Division of the Premises and Nonagricultural Uses; and

WHEREAS, the Property has a rank score of 64.89 which exceeds 70% of the County's average quality score of 48, as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on November 23, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 27, 2012 the SADC certified a development easement value of \$5,050 per acre based on current zoning and environmental regulations as of November 23, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,050 per acre for the development easement for the Property; and

WHEREAS, on December 6, 2012 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has \$633,210.40 available in SADC FY09 base grant funding (Schedule B) and an additional \$1.5 million in FY11 base grant funding; and

WHEREAS, the Salem County Agriculture Development Board is requesting \$42,333.00 from its FY09 base grant, leaving a cumulative balance of \$590,877.40 (Schedule B); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grant; and

WHEREAS, pursuant to N.J.A.C. 2:76 17.14 the County is eligible to apply for an additional \$3,000,000 of competitive grant funding for a maximum FY 2009 grant of \$5,000,000, subject to the availability of funds for additional applications; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 12.36 acres will be utilized to calculate the SADC grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 12.36 acres):

	<u>Cost Share</u>	
SADC	\$42,333	(\$3,425 per acre or 67.82%)
Salem County	\$20,085	(\$1,625 per acre or 32.18%)
	\$62,418	(\$5,050 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Upper Pittsgrove Township approved the application on December 11, 2012, the County Agriculture Development Board approved the application on November 28, 2012 and the County Board of Chosen Freeholders approved the application on December 5, 2012 with its funding commitment; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11; and

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to Salem County for the purchase of a development easement on the Thomas Farm, comprising approximately 12.36 acres, at a State cost share of \$3,425 per acre (67.82% of certified market value and purchase price) for a total grant need of approximately \$42,333 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that to account for any potential increase in the estimated acreage utilized for evaluation purposes has been increased by 3% and has been applied to the funds encumbered from the County's base grant; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other application's encumbrance; and

BE IT FURTHER RESOLVED, any unused funds including the 3% buffer, if utilized, encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund) after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and


BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

1-24-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

Schedule A



x:\counties\sarco\projects\thomas_fw.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Andrew and Leonor Thomas
Block 47 Lot 8.02 (12.2 ac)
Gross Total = 12.2 ac
Upper Pittsgrove Twp., Salem County



Property in Question	
	NR - (Non-Reversible) Exception
	RE - (Reversible) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned GIS & Recreation Easement
	Federal Land

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 DigitalAerial Image

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor

October 31, 2011

**New Jersey Farmland Preservation Program
Preservation Program**

Salem County
+ York H.

[illegible]

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Thomas Farm
17-0103-PG
FY 2010 County PIG Program
12 Acres

Block 47 Lot 8.02 Upper Pittsgrove Twp. Salem County

SOILS:	Other	45% *	0	=	.00	
	Prime	10% *	.15	=	1.50	
	Statewide	45% *	.1	=	4.50	
						SOIL SCORE: 6.00
TILLABLE SOILS:	Cropland Harvested	87% *	.15	=	13.05	
	Wetlands	13% *	0	=	.00	
						TILLABLE SOILS SCORE: 13.05
FARM USE:	Soybeans-Cash Grain					acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R1(13)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**SALEM COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Lenny and Beth Rera Farm
Pittsgrove Township, Salem County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 17-0102-PG**

January 24, 2013

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Salem County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted approval to Salem County for its 2013 PIG Planning application annual update on May 24, 2012; and

WHEREAS, on October 7, 2011 the SADC received an application for the sale of a development easement from Salem County for the subject farm hereinafter referred to as "Owner" identified as Block 1405, Lot 7.01, Pittsgrove Township, Salem County, totaling approximately 33 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Salem County's Cohansey-Pole Tavern (1) project area; and

WHEREAS, there is one (1) single family residence on the Property; and

WHEREAS, the farm's agricultural production at the time of application was pasture, hay production and an equine operation; and

WHEREAS, the equine operation consists of 18 horses which the landowner breeds and/or trains for sale, with no equine service activities occurring on the farm; and

WHEREAS, the Property has no exception areas and the Owner has read and signed the SADC's guidance document for Exception Areas, Division of the Premises and Non Agricultural Uses; and

WHEREAS, the Property has a rank score of 54.62 which exceeds 70% of the County's average quality score of 48, as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on December 7, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 27, 2012 the SADC certified a development easement value of \$7,000 per acre based on current zoning and environmental regulations as of the December 7, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$7,000 per acre for the development easement for the Property; and

WHEREAS, on December 6, 2012 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has \$782,766.40 available in SADC FY09 base grant funding (Schedule B) and \$1.5 million of FY11 base grant funding; and

WHEREAS, the Salem County Agriculture Development Board is requesting \$149,556 from its FY09 base grant, leaving a cumulative balance of \$633,210.40 (Schedule B); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grant; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 33.99 acres will be utilized to calculate the SADC grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 33.99 acres):

	<u>Cost Share</u>	
SADC	\$149,556	(\$4,400 per acre or 62.86%)
Salem County	\$88,374	(\$2,600 per acre or 37.14%)
	\$237,930	(\$7,000 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Pittsgrove Township approved the application on January 23, 2013, the County Agriculture Development Board approved the application on November 28, 2012 and the County Board of Chosen Freeholders approved the application on December 5, 2012 with its funding commitment; and

WHEREAS, the County will utilize an installment purchase agreement ("IPA") to cover the easement purchase transaction; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11; and

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to Salem County for the purchase of a development easement on the Rera Farm, comprising approximately 33.99 acres, at a State cost share of \$7,000 per acre (62.86% of certified market value and purchase price) for a total grant need of approximately \$149,556 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that to account for any potential increase in the estimated acreage utilized for evaluation purposes has been increased by 3% and has been applied to the funds encumbered from the County's base grant; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other application's encumbrance; and

BE IT FURTHER RESOLVED, any unused funds including the 3% buffer, if utilized, encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund) after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

1-24-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	RECUSED
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

Schedule A

Application within both the (PA4b) Rural Env Sensitive and the (PA5) Env Sensitive Areas

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Lenny and Beth Rera
Block 1405 Lot 7.01 (33.4 ac)
Gross Total = 33.4 ac
Pittsgrove Twp., Salem County

250 125 0 250 500 Feet



	Property in Question
	BN - (Non-Reversible) Exception
	BS - (Reversible) Exception
	Wetlands Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned Q/S & Recreation Easement
	Federal Land

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

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Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

October 31, 2011

Schedule B

New Jersey Farmland Preservation Program Preservation Program

Salem County

County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.																
Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre estimate	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	SADC		Federal Grant		Base Grant		Competitive Grant		Balance subject to availability & approval
								Cost Share	Total Federal Grant	SADC	Federal Grant	Encumbered at Final	Expend	Balance	Balance	
FY09: P.L. 2008-244 (001)										Current Value		FY09	2,000,000.00	3,000,000.00	4,098,564.49	
DiGregorio	Mannington	77,000	79,310	7,000.00	7,000.00	4,400.00	532,399.00	334,650.80	285,213.75			348,964.00				
Schler, Kurt & Scott	Alloway	141,000	145,230	7,500.00	7,500.00	4,650.00	1,055,242.50	654,250.35				675,319.50	247,185.25	1,752,814.75		
Ewell, Clementine	Alloway	73,000	75,190	6,600.00	6,600.00	4,200.00	498,254.00	315,798.00				315,798.00	654,250.35	1,098,564.40		
Rera, Lenny and Beth	Pittsgrove	33,000	33,990	7,000.00	7,000.00	4,400.00	237,930.00	149,556.00				149,556.00		782,766.40		
Thomas, Andrew & Lenor	Upper Pittsgrove	12,000	12,360	5,050.00	5,050.00	3,425.00	62,418.00	42,333.00				42,333.00		633,210.40		
														590,877.40		
Van Sover, Mark & Suzanne	Quinton	54,000	55,620	7,500.00	7,500.00	4,650.00		258,633.00								
Moore	Mannington	145,000	149,350	7,500.00	7,500.00	4,650.00		694,477.50								
Total Pending	5	317,000	326,510				1,587,641.50	988,901.15	285,213.75	87,488.50						
Total Encumbered																
Closed/Expended	2	218,000	224,540				1,687,641.50	901,435.60					901,435.60			
Total																
Reprogram Out																
FY 10 & 11 expend																
Kunth, Andrew & Zofia	Upper Pittsgrove	47,000	48,410													
Ware	Elsinboro	89,000	91,670													
Drummond	Upper Pittsgrove	42,000	43,260													
Weber	Elsinboro	30,000	30,900													
		101,000	104,030													

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Journeyman Farm
17-0102-PG
FY 2009 County PIG Program
33 Acres

Block 1405	Lot 7.01	Pittsgrove Twp.	Salem County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:	Other	1% * 0 = .00	
	Permanent Pasture	66% * .02 = 1.32	
	Woodlands	33% * 0 = .00	
		TILLABLE SOILS SCORE: 1.32	
FARM USE:	Horse & Other Equine	20 acres	
	Hay	20 acres	

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R(14)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**SALEM COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Clementine Elwell Farm
Alloway Township, Salem County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 17-0105-PG**

January 24, 2013

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Salem County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted approval to Salem County for its 2013 PIG Planning application annual update on May 24, 2012; and

WHEREAS, on October 7, 2011 the SADC received an application for the sale of a development easement from Salem County for the subject farm hereinafter referred to as "Owner" identified as Block 40, Lot 4, Alloway Township, Salem County, totaling approximately 73 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Salem County's Cohansey-Pole Tavern (1) project area; and

WHEREAS, there is one (1) single family residence on the Property; and

WHEREAS, at the time of application the Property was in wheat, hay and dairy production; and

WHEREAS, the Property has no exception areas and the Owner has read and signed the SADC's guidance document for Exception Areas, Division of the Premises and Non Agricultural Uses; and

WHEREAS, the Property has a rank score of 63.83 which exceeds 70% of the County's average quality score of 48, as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on November 18, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 27, 2012 the SADC certified a development easement value of \$6,600 per acre based on current zoning and environmental regulations as of the October 18, 2011 valuation date; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$6,600 per acre for the development easement for the Property; and

WHEREAS, on December 6, 2012 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has \$1,098,564.40 available in SADC FY09 base grant funding (Schedule B) and \$1.5 million available in FY11 base grant funds; and

WHEREAS, the Salem County Agriculture Development Board is requesting \$315,798.00 from its FY09 base grant, leaving a cumulative balance of \$782,766.40 (Schedule B); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grant; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 75.19 acres will be utilized to calculate the SADC grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 75.19 acres):

	<u>Cost Share</u>	
SADC	\$315,798	(\$4,200 per acre or 63.64%)
Salem County	\$180,456	(\$2,400 per acre or 36.36%)
	\$496,254	(\$6,600 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Alloway Township approved the application on January 3, 2012, the County Agriculture Development Board approved the application on November 28, 2012 and the County Board of Chosen Freeholders approved the application on December 5, 2012 with its funding commitment; and

WHEREAS, the County will be utilizing the installment purchase agreement ("IPA") to complete the easement purchase transaction; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11; and

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to Salem County for the purchase of a development easement on the Elwell Farm, comprising approximately 75.19 acres, at a State cost share of \$4,200 per acre (63.64% of the certified market value and purchase price) for a total grant need of approximately \$315,798 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that to account for any potential increase in the estimated acreage utilized for evaluation purposes has been increased by 3% and has been applied to the funds encumbered from the County's base grant: and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other application's encumbrance; and

BE IT FURTHER RESOLVED, any unused funds including the 3% buffer, if utilized, encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund) after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

1-24-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

Schedule A

Application within the (PA4) Rural Area

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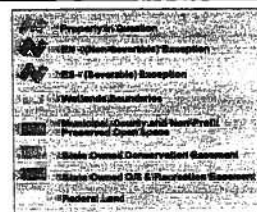


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Clementine Elwell
Block 40 Lot 4 (71.3 ac)
Gross Total = 71.3 ac
Alloway Twp., Salem County



500 250 0 500 1,000 Feet



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

October 31, 2011

**New Jersey Farmland Preservation Program
Preservation Program**

FY09 \$

Salem County

County Planning Incanilla Grant - N.J.A.C. 2:76-17 et seq.

Farm	Municipality	App Acres	Plus Percent Acres	SADC Certified Per Acre estimate	Negotiated & Approved Per Acre	SADC Grant Per Acre	Eligible Contribution	Total Federal Grant	Current Value	Expend FY09	Balance Available & Approval	Balance Subject to Availability
FY09: P.L. 2008-294 (part)												
D'Grigorio	Mannington	77,000	79,310	7,000.00	7,000.00	4,400.00	532,399.00	334,650.80	285,213.75	346,564.00	2,000,000.00	4,095,584.40
Sickler, Kurt & Scott	Alloway	141,000	145,230	7,500.00	7,500.00	4,650.00	1,085,242.50	654,250.35	1,782,814.75	247,185.25	1,098,564.40	
Elwell, Clementine	Alloway	73,000	75,190	6,600.00	6,600.00	4,200.00	496,254.00	315,798.00	782,768.40	654,250.35	782,768.40	
Rera, Lenny and Beth	Pittsgrove	33,000	33,990	7,000.00	7,000.00	4,400.00	237,930.00	149,556.00	633,210.40	149,556.00	633,210.40	
Thomas, Andrew & Leonor	Upper Pittsgrove	12,000	12,360	5,050.00	5,050.00	3,425.00	62,418.00	42,333.00	590,877.40	42,333.00	590,877.40	
Van Scher, Mark & Suzanne	Quinton	54,000	55,620	7,500.00	7,500.00	4,650.00		258,633.00				
Moore	Mannington	145,000	148,350	7,500.00	7,500.00	4,650.00		694,477.50				
Total Pending	5	317,000	326,510				1,587,641.50	988,901.15	285,213.75			
Total Encumbered												
Closed/Expended	2	218,000	224,546				1,638,641.50	867,135.65		594,389.60		
Total												
Reprogram Out												
FY 10 & 11 expend										247,185.25		
Upper Pittsgrove	Upper Pittsgrove	47,000	48,410									
Ware	Ware	89,000	91,670									
Drummond	Drummond	42,000	43,280									
Weber	Weber	30,000	30,900									
Pittsgrove	Pittsgrove	101,000	104,03									

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Elwell Farm
17-0105-PG
FY 2009 County PIG Program
71 Acres

Block 40	Lot 4	Alloway Twp.	Salem County	
SOILS:		Prime	100% * .15	= 15.00
			SOIL SCORE:	15.00
TILLABLE SOILS:		Cropland Harvested	64% * .15	= 9.60
		Other	4% * 0	= .00
		Permanent Pasture	28% * .02	= .56
		Wetlands	4% * 0	= .00
			TILLABLE SOILS SCORE:	10.16
FARM USE:	Wheat-Cash Grain	45 acres		
	Hay	5 acres		
	Dairy	22 acres		

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2013R1(15)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
SUSSEX COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Max & Ingrid Klein
Fredon Township, Sussex County

N.J.A.C. 2:76-17 et seq.
SADC ID# 19-0030-PG

JANUARY 24, 2013

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Sussex County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Sussex County received SADC final approval of its 2013 PIG Planning application annual update on May 24, 2012; and

WHEREAS, on January 6, 2012 the SADC received an application for the sale of a development easement from Sussex County for the Klein Farm identified as Block 1801, Lot 12.03, Fredon Township, Sussex County, totaling approximately 15 acres hereinafter referred to as "Property" (Schedule A) ; and

WHEREAS, the Property is located in Sussex County's Kittatiny Valley West-2 Project Area; and

WHEREAS, the Property includes one, 1-acre non-severable exception for one future single family residence; and

WHEREAS, the Property has a quality score of 63.67 which is greater than 70% of the County's average quality score 39 as determined by the SADC on July 28, 2011; and

WHEREAS, the Property is currently in field crop production; and

WHEREAS, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on April 11, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a);

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 8, 2012 the SADC certified a value of \$5,700 per acre based on current zoning and environmental regulations as of August 2012 for the development easement for the Property for an estimated total of \$85,500; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,700 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, on April 20, 2011 the SADC established FY11 funding allocations to provide eligible counties with a base grant of \$1,500,000 with the ability to obtain an additional competitive grant not to exceed \$3,000,000 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, to date \$962,527.28 in SADC FY11 base grant funds have been encumbered, leaving a cumulative balance of \$537,472.72 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, and 17.14 Sussex County is eligible to apply for an additional \$3,000,000 dollars of competitive grant funding for a maximum FY 2011 grant of \$4,500,000, subject to the availability of funds; and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire amount will be encumbered from Sussex County's base grant; and

WHEREAS, the SADC submitted a parcel application to the FY12 United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP); and

WHEREAS, the NRCS has been determined that the Property and the Landowner qualify for FRPP grant funds and approved a grant of approximately \$45,000; subject to and not to exceed 50% of the federal appraised current value based on the surveyed acreage; and

WHEREAS, for the purposes of this resolution the FRPP grant will be based on the lowest easement value considered by the SADC at the time of the easement value certification which is \$5,700 per acre equating to an FRPP grant of \$2,850 per acre (50% of \$5,700) or approximately \$44,032.50 in total FRPP funds; and

WHEREAS, should alternate FRPP funding become available from other funding years or through other qualified entities such as the SADC, a Non-Profit organization or County it may be utilized if such funding benefits the easement acquisition and/or the successful use of FRPP funding; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the use of FRPP grant funding, including a one acre impervious cover limit for the construction of agricultural infrastructure on the Property outside of exception area; and

WHEREAS, due to funding limitations Sussex County has requested that FRPP grant funds be "passed through" to cover the entire local cost share: and

WHEREAS, on November 29, 2012 the County prioritized its farms and submitted its application in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 15.45 acres will be utilized to calculate the grant need; and

WHEREAS, the cost share breakdown is approximately as follows based on 15.45 acres:

Cost share breakdown prior to FRPP Grant:

	<u>Total</u>	
SADC	\$57,937.50	(65.79% at \$3,750/acre)
Sussex County	<u>\$30,127.50</u>	(34.21% at \$1,950/acre)
Total Easement Purchase	\$88,065.00	(at \$5,700/acre)

Cost share breakdown after \$44,032.50 FRPP Grant is applied:

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>	
FRPP Grant			\$44,032.50	(50% at \$2,850/acre)
Sussex County	\$30,127.50 (\$1,950/ac)	\$30,127.50	\$ 0	
SADC	\$57,937.50 (\$3,750/ac)	\$13,905	\$44,032.50	(50% at \$2,850/acre)
	\$88,065.00	\$44,032.50	\$88,065	\$5,700/acre

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Fredon Township Committee approved the application of the Klein Farm on January 28, 2010, and the Sussex County Agriculture Development Board approved the application on December 17, 2012 and secured a commitment of funding for 40% of the easement purchase (\$1,950 per acre or an estimated \$30,127.50) from the Sussex County Board of Chosen Freeholders for the required local match on January 16, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11; and

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Sussex County for the purchase of a development easement on the Klein Farm, comprising approximately 15.45 acres, at a State cost share of approximately \$57,937.50 (65.79% of certified market value and 65.79% of the purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C; and

BE IT FURTHER RESOLVED, that to account for any potential increase in the final surveyed acreage, a 3% acreage buffer has been applied to the funds encumbered from the County's base grant, which would allow for a maximum SADC cost share of \$57,937.50; and

BE IT FURTHER RESOLVED, that the SADC will utilize any remaining FRPP grant funds (estimated \$13,905) to offset SADC grant needs on the Property; and

BE IT FURTHER RESOLVED, that the SADC cost share grant shall utilize an approximate total of \$44,032.50 from Sussex County's base grant funds and \$13,905 from the USDA, NRCS FY12 FRPP grant funds; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

1-24-13

Date



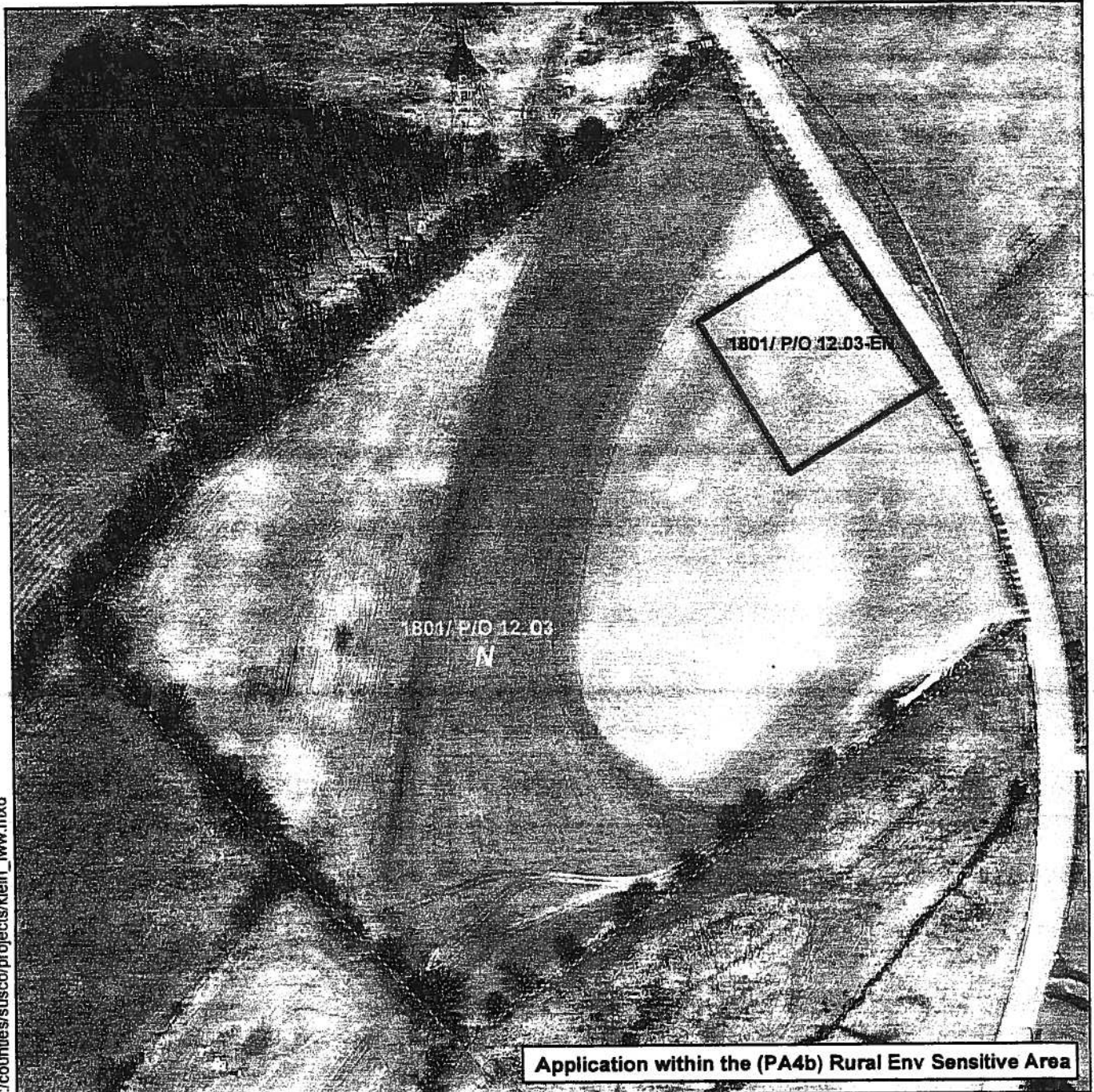
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	RECUSED
Alan A. Danser	YES
Denis Germano	YES

Schedule A

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Application within the (PA4b) Rural Env Sensitive Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Max and Ingrid Klein
Block 1801 Lots P/O 12.03 (14.8 ac)
& P/O 12.03-EN (non-severable exception - 1.0 ac)
Gross Total = 15.8 ac
Fredon Twp., Sussex County



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 DigitalAerial Image

January 11, 2012

Sussex County

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Klein, Max & Ingrid
19- 003O-PG
FY 2011 County PIG Program
15 Acres

Block 1801	Lot 12.03	Fredon Twp.	Sussex County
SOILS:		Other	100% * 0 = .00
			SOIL SCORE: .00
TILLABLE SOILS:		Cropland Harvested	99% * .15 = 14.85
		Other	1% * 0 = .00
			TILLABLE SOILS SCORE: 14.85
FARM USE:		Field Crop Except Cash Grain	14 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for future residence
 - Exception is not to be severed from Premises
 - Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions:
 1. One Acre impervious cover max pursuant to Federal Farm and Ranch Land Protection Program
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R1(16)

**SADC EASEMENT ACQUISITION
PRELIMINARY APPROVAL
of an "OTHER" FARM
IN THE HIGHLANDS PRESERVATION AREA**

JANUARY 24, 2013

Subject Farm: Andersen, Tor
 Block 19, Lot 109; Block 19.06, Lots 62 & 64
 Sparta Township, Sussex County
 SADC ID# 19-0017-DE
 Approximately 13 net easement acres

WHEREAS, pursuant to N.J.A.C. 2:76-11.3, an owner of farmland may offer to sell to the State Agriculture Development Committee ("SADC") a development easement on the farmland; and

WHEREAS, on October 16, 2012 the SADC received an SADC easement acquisition application from Tor Andersen for Property identified Block 19, Lot 107; Block 19.06, Lots 62 & 64, Sparta Township, Sussex County, totaling approximately 13 net acres as shown on (Schedule A); and

WHEREAS, the landowner purchased the farm in 2012 but still qualifies for 01/01/04 zoning consideration in the appraisal because he meets the definition of a "farmer" pursuant to N.J.A.C. 13:20-1 et seq. and N.J.A.C. 13:8C-38j(1); and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, staff finds that the Property, with a quality score of 42.29 and 13 net acres, does not meet the SADC's Sussex County minimum ranking criteria for the "Priority" or "Alternate" categories which requires a quality score of at least 38 combined with at least 46 acres, therefore this farm is categorized as an "Other" farm requiring SADC preliminary approval; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, all of the Property's lots, except Block 19, Lot 107, are within the County Agriculture Development Area and the County Planning Incentive Grant Eastern Highlands 2 project area ; and

WHEREAS, the Property is located within the New Jersey State Plan-designated Environmentally Sensitive Area (PA5) and within the Highlands Agriculture Priority and Resource Areas as well as the Highlands Preservation Area's "Protection Zone" (Schedule B) and

WHEREAS, this farm has two (2) existing single family residences; and

WHEREAS, the applicant has requested an a 0.5-acre non-severable exception area for future flexibility of use for the existing farm market, which sells goods produced on this farm and from additional land owned by the Andersen's, and

WHEREAS, the farm has 64.5% Prime soil and +/- 7 acres are in corn/ field crop production (Schedule C); and

WHEREAS, on March 23, 2006 the SADC adopted the FY 2006 Highlands Preservation Appropriation Expenditure Policy - Amended, which approves the use of Highlands funds to support additional applications in all farmland preservation programs where demand for funding has outstripped otherwise approved SADC funding. The Property is a candidate for this funding source; and

WHEREAS, at this time there is approximately \$1.9 million available from the \$30 million originally designated as Highlands funding; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.6 (b) 1.i., there are no "Priority" or "Alternate" Ranked applications at this time in the Highlands Preservation Area which have not already been accepted for processing and have funding earmarked; and

NOW THEREFORE BE IT RESOLVED that the SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:

1. Enter into a 120 day option agreement.
2. Secure two independent appraisals to estimate the fair market value of the Property.
3. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC.

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1-24-13

Date



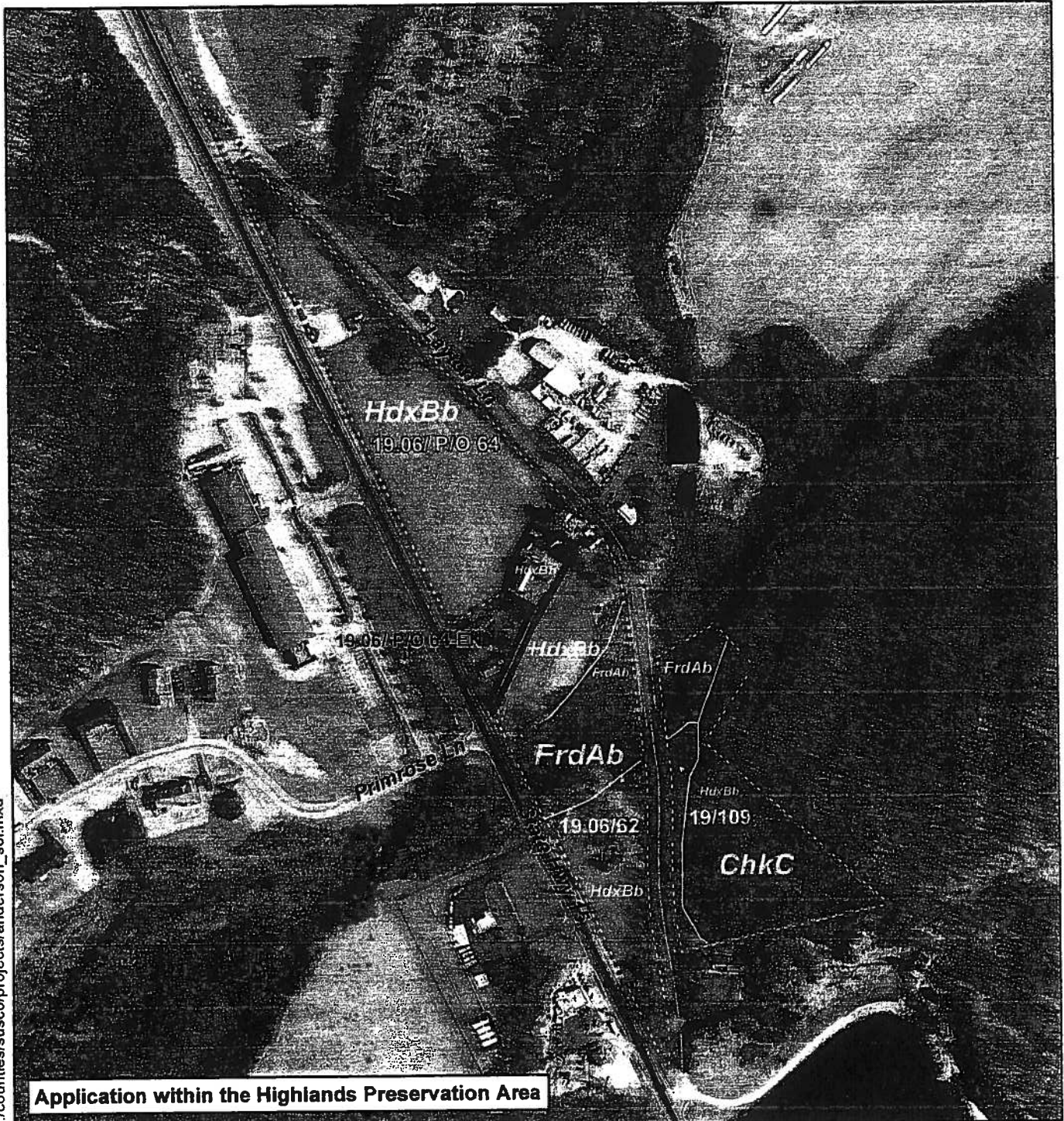
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	RECUSED
Alan A. Danser	YES
Denis Germano	YES

Soils

x:\counties\susco\projects\anderson_sol.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Tor Anderson
Block 19 Lot 109 (3.8 ac); Block 19.06 Lots 62 (2.9 ac),
P/O 64 (7.1 ac) & P/O 64-EN (non-severable exception - 0.5 ac)
Gross Total = 14.3 ac
Sparta Twp., Sussex County

500 250 0 500 1,000 Feet



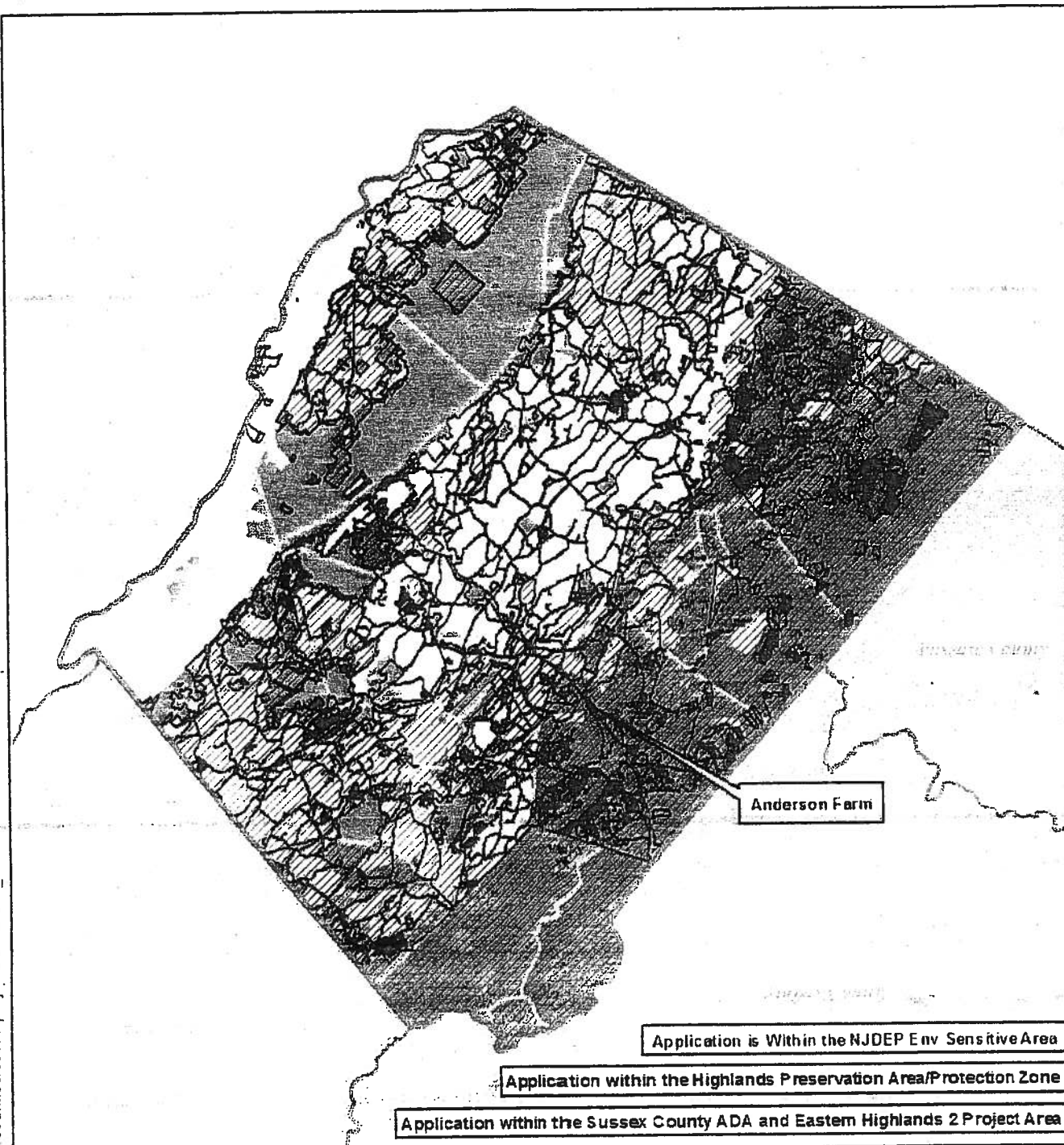
	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Soils Boundaries
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned Off & Recreation Easement

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Sources:
NRCS - SSURGO 2010 Soil Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image













December 14, 2012

x:/counties/susco/projects/anderson EnvS2.mxd



Tor Anderson
Block 19 Lot 109 (3.8 ac); Block 19.06 Lots 62 (2.9 ac).
P/O 64 (7.1 ac) & P/O 64-EN (non-severable exception - 0.5 ac)
Gross Total = 14.3 ac
Sparta Twp., Sussex County

[illegible]

-  **Property in the Clouds**
-  **Algebra 1: Comprehensive** *Algebra 1: Comprehensive Answer*
-  **Mathematical Analysis and Geometry 1**
Mathematical Analysis and Geometry 1 Answer
-  **Mathematical Analysis and Geometry 2**
Mathematical Analysis and Geometry 2 Answer
-  **Mathematical Analysis and Geometry 3**
Mathematical Analysis and Geometry 3 Answer
-  **Mathematical Analysis and Geometry 4**
Mathematical Analysis and Geometry 4 Answer
-  **Mathematical Analysis and Geometry 5**
Mathematical Analysis and Geometry 5 Answer
-  **Mathematical Analysis and Geometry 6**
Mathematical Analysis and Geometry 6 Answer
-  **Mathematical Analysis and Geometry 7**
Mathematical Analysis and Geometry 7 Answer
-  **Mathematical Analysis and Geometry 8**
Mathematical Analysis and Geometry 8 Answer
-  **Mathematical Analysis and Geometry 9**
Mathematical Analysis and Geometry 9 Answer
-  **Mathematical Analysis and Geometry 10**
Mathematical Analysis and Geometry 10 Answer

Source:
 Green Acres Corporation Statement 1981
 U.S. EPA Environmental Services Area
 Pursuant to the Permit Extension Act of 1990
 U.S. EPA Regional Office
 U.S. EPA Region 3
 U.S. EPA Region 3
 U.S. EPA Region 3

-HEAVY C

State of New Jersey
State Agriculture Development Committee
Farmland Preservation Program
Quality Ranking Score

GENERAL INFORMATION

COUNTY OF Sussex Sparta Twp. 1918

APPLICANT Andersen, Tor

PRIORITIZATION SCORE

SOILS:	Other	36%	*	0	=	.00
	Prime	64%	*	.15	=	9.60

SOIL SCORE: 9.60

TILLABLE SOILS:	Cropland Harvested	50%	*	.15	=	7.50
	Other	16%	*	0	=	.00
	Wetlands	16%	*	0	=	.00
	Woodlands	18%	*	0	=	.00

TILLABLE SOILS SCORE: 7.50

BOUNDARIES	Commercial	15%	*	0	=	.00
AND BUFFERS:	Highways and Railroads	34%	*	.1	=	3.40
	Residential Development	20%	*	0	=	.00
	Streams and Wetlands	18%	*	.18	=	3.24
	Woodlands	13%	*	.06	=	.78

BOUNDARIES AND BUFFERS SCORE: 7.42

CONTIGUOUS PROPERTIES	No Points					0
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DENSITY SCORE: .00

LOCAL COMMITMENT:	100%	*	14	=	14.00
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LOCAL COMMITMENT SCORE: 14.00

SIZE:						SIZE SCORE: .89
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IMMIMENCE OF CHANGE: SADC Impact factor = 2.88

IMMINENCE OF CHANGE SCORE: 2.88

COUNTY RANKING:

EXCEPTIONS:						EXCEPTION SCORE: .00
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TOTAL SCORE: 42.29

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R1(17)

**Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase**

**On the Property of
Edward Olbrich**

January 24, 2013

Subject Property: Olbrich Farm
Block 1002, Lot 19
Block 1101, Lot 48
Block 1102, Lots 12 & 13
Pittsgrove Twp., Salem County
SADC #17-0238-DE
Approximately 125 Net Acres

WHEREAS, on August 31, 2011, the State Agriculture Development Committee ("SADC") received a development easement sale application from Edward Olbrich, hereinafter "Owner," identified as Block 1002, Lot 19, Block 1101, Lot 48, Block 1102, Lots 12 & 13, Pittsgrove Twp., Salem County, hereinafter "Property," totaling approximately 125 net acres, (Schedule A); and

WHEREAS, the SADC is authorized under the Garden State Preservation Trust Act, pursuant to N.J.S.A. 13:8C-1 et seq., to purchase development easements directly from landowners; and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 28, 2011, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 62.89, which exceeds the Priority Quality score for Salem County of 62, and the Property's 125+/- acres exceeds the Priority acreage for Salem County of 95 acres, so therefore the Property is categorized as a Priority farm; and

WHEREAS, the Property is currently devoted to corn and snap bean production and has 77% prime soils; and

WHEREAS, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises for non-contiguous parcels and Non-agricultural uses; and

WHEREAS, a 3-acre non-severable exception area for one existing single family residence on Block 1102, Lot 12 is allocated to the Property; and

WHEREAS, a 12-acre severable exception area restricted to one single family residence on Block 1002, Lot 19 is allocated to the Property; and

WHEREAS, on December 13, 2012, the SADC certified the development easement value of the Property at \$5,000 per acre based on current zoning and environmental conditions as of October 2012; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$5,000 per acre; and

WHEREAS, to proceed with the SADC's purchase of the development easement, various professional services will be necessary including but not limited to contracts, survey, title search and insurance and closing documents; and

WHEREAS, contracts and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General; and

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the acquisition of the development easement at a value of \$5,000 per acre (125 easement acres) for a total of approximately \$625,000 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, that the SADC's cost share shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC, or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1-24-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

S:\DIRECT EASEMENT PURCHASE\All Counties\SALEM\Olbrich\final approval
resolution.doc

Wetlands



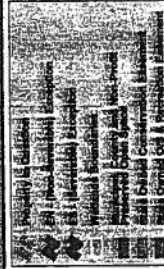
Application within both the (PA4b) Rural Env Sensitive and the (PA5) Env Sensitive Areas

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Carl Olbrich
Block 1002 Lots P/O 19 (46.8 ac)
& P/O 19-ES (severable exception - 12.0 ac)
Block 1101 Lot 48 (8.8 ac); Block 1102 Lots P/O 12 (28.1 ac);
P/O 12-EN (non-severable exception - 3.0 ac) & 13 (41.0 ac)
Gross Total = 139.7 ac
Pitts Grove Twp., Salem County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The creator and georeferencer conducted no field verification of the accuracy and precision of the GIS data contained in this map. Therefore, the user is advised that the data may contain errors. The creator and georeferencer do not warrant or intend to be relied upon in matters requiring delineation and location of true ground points. Survey controls as would be obtained by an actual ground survey conducted by a licensed professional land surveyor.



Wetlands Legend:
 F - Freshwater Wetlands
 L - Linear Wetlands
 M - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 B - 300' Buffer
 W - Water

Sources:
NDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007
October 3, 2012

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Olbrich Farm
State Acquisition
Easement Purchase - SADC
125 Acres

Block 1002	Lot 19	Pittsgrove Twp.	Salem County
Block 1101	Lot 48	Pittsgrove Twp.	Salem County
Block 1102	Lot 12	Pittsgrove Twp.	Salem County
Block 1102	Lot 13	Pittsgrove Twp.	Salem County

SOILS:

Other	14% *	0	=	.00
Prime	81% *	.15	=	12.15
Unique zero	5% *	0	=	.00

SOIL SCORE: 12.15

TILLABLE SOILS:

Cropland Harvested	56% *	.15	=	8.40
Woodlands	44% *	0	=	.00

TILLABLE SOILS SCORE: 8.40

FARM USE:

Corn-Cash Grain	33 acres	
Vegetable & Melons	40 acres	snap beans

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st twelve (12) acres for existing SFR
Exception is severable
Exception is to be restricted to one single family residential unit
 - 2nd three (3) acres for existing SFR
Exception is not to be severable from Premises
Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R1(18)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

ALLOWAY TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

James R. Yanus

Alloway Township, Salem County

N.J.A.C. 2:76-17A. et seq.

SADC ID# 17-0116-PG

January 24, 2013

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Alloway Township, Salem County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Alloway Township's PIG plan on November 3, 2011 and approval to its' 2013 PIG plan annual update on May 24, 2012 ; an

WHEREAS, on May 7, 2012, the SADC received an individual application for the sale of a development easement from Alloway Township for the Yanus Farm, identified as Block 13, Lots 14, 14.02 & 16.01, Alloway Township, Salem County, totaling approximately 81 net acres (Schedule A); and

WHEREAS, the Property has been allocated a one (1) acre severable exception area around an existing single family residence; and

WHEREAS, there are no residences on the property to be preserved; and

WHEREAS, at the time of application the Property was in hay production; and

WHEREAS, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on June 15, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on November 8, 2012 the SADC certified a development easement value of \$5,700/ per acre based on zoning and environment regulations in place as July 1, 2012; and

WHEREAS, the landowner has accepted the offer of \$5,700 per acre from Alloway Township, for the sale of their development easement; and

WHEREAS, to date \$1,250,000 of FY09 and FY11 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Project Area; and

WHEREAS, to date Alloway Township has not encumbered or expended any of its SADC grant funds; and

WHEREAS, Alloway Township has one other project pending against this balance (Sickler) which has a potential grant need of approximately \$50,000; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on November 15, 2012 the Alloway Township Committee approved the application and a funding commitment for an estimated 17.1% (\$975 per acre) of the certified value \$5,700 per acre; and

WHEREAS, the Salem County Agriculture Development Board approved the application on November 28, 2012 and secured a commitment of funding for an estimated \$975/acre from the Salem County Board of Chosen Freeholders for the required local match on December 5, 2012; and

WHEREAS, the estimated cost share breakdown is as follows (based on 81 acres):

	<u>Cost Share</u>	
SADC	\$303,750	(\$3,750/ acre or 65.79%)
Alloway Township	\$78,975	(\$975/ acre or 17.10%)
Salem County	<u>\$78,975</u>	<u>(\$975/ acre or 17.10%)</u>
	\$461,700	(\$5,700/ acre) ; and

WHEREAS, the County will be utilizing an installment purchase agreement ("IPA") to cover its share of the funding for this easement purchase transaction; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the

availability of funds;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Alloway Township for the purchase of a development easement on the Yanus Farm, comprising approximately 81 net acres, at a State cost share of \$3,750 per acre for an estimated total of \$303,750 (65.79% of certified market value and purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Salem County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

1-24-13

Date

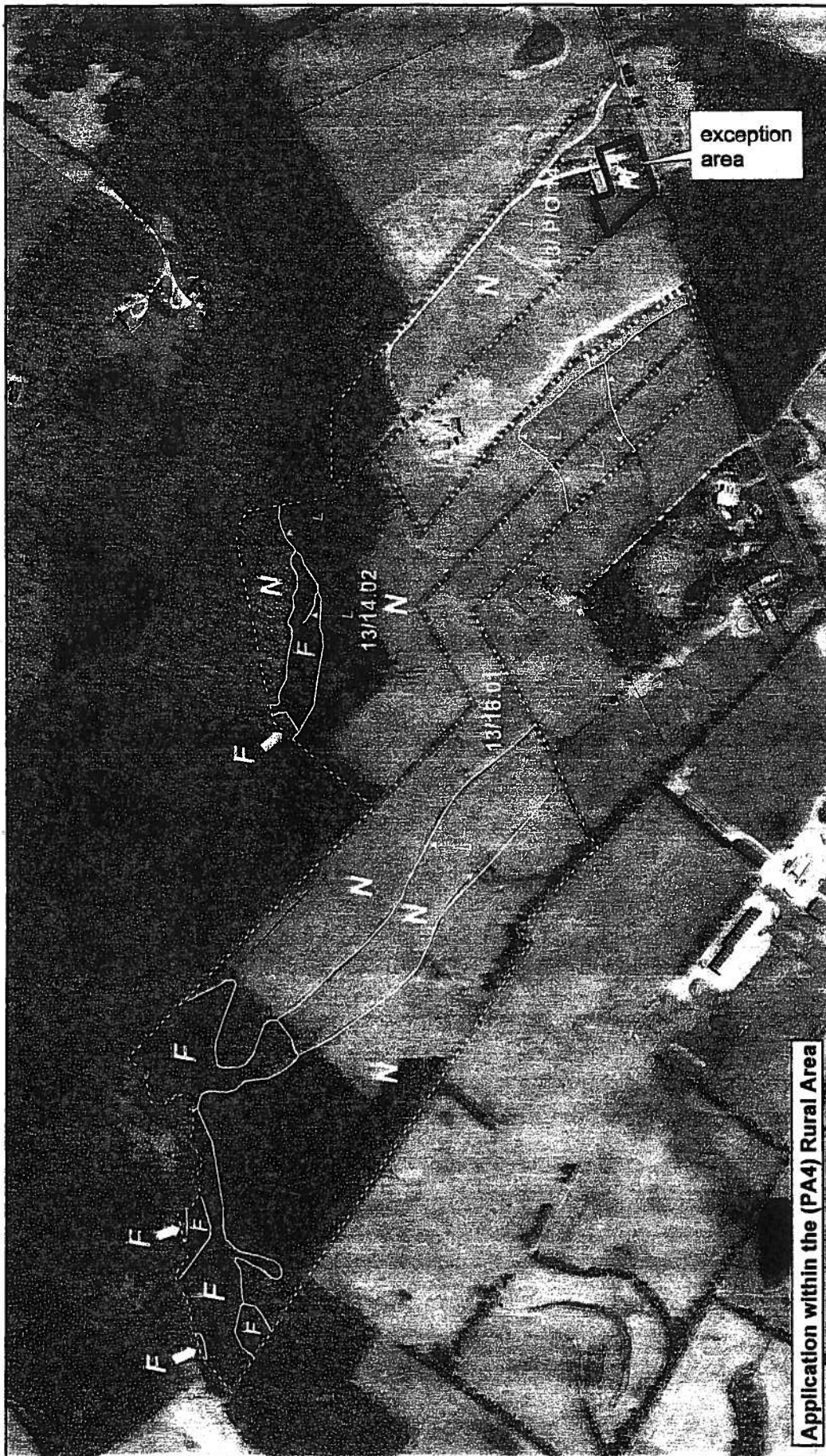


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

Schedule A



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

James R. Yanus
 Block 13 Lots P/O 14 (10.5 ac); P/O 14-ES (severable exception - 1.0 ac);
 14.02 (21.8 ac) & 16.01 (48.2 ac)
 Gross Total = 81.5 ac
 Alloway Twp., Salem County



Wetlands Legend:

	F - Freshwater Wetlands
	N - Non-Wetlands
	T - Total Wetlands
	M - Wetlands Modified for Agriculture
	W - Wetlands
	W - Water

Wetlands Legend:
 F - Freshwater Wetlands
 N - Non-Wetlands
 T - Total Wetlands
 M - Wetlands Modified for Agriculture
 W - Wetlands
 W - Water

Sources:
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 National Wetlands Inventory
 NOAA/NOIS 2007/2008 Digital Aerial Image

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State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Yanus, James R.
17- 0116-PG
FY 2012 PIG EP - Municipal 2007 Rule
81 Acres

Block 13	Lot 14	Alloway Twp.	Salem County
Block 13	Lot 14.02	Alloway Twp.	Salem County
Block 13	Lot 16.01	Alloway Twp.	Salem County

SOILS:

Other	21% *	0	=	.00
Prime	79% *	.15	=	11.85

SOIL SCORE: 11.85

TILLABLE SOILS:

Cropland Harvested	60% *	.15	=	9.00
Other	3% *	0	=	.00
Wetlands	12% *	0	=	.00
Woodlands	25% *	0	=	.00

TILLABLE SOILS SCORE: 9.00

FARM USE:

Hay

51 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for around existing house
 - Exception is severable
 - Right to Farm language is to be included in Deed of Future Lot
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**Municipal Planning Incentive Grant
Alloway Township, Salem County**

\\ceres\sadc\Planning Incentive Grant - 2007 rules Municipal\TwpPig status.xls

As of 12/31/2012

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R1(19)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

PITTSBGROVE TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Ellen Walters

Pittsgrove Township, Salem County

N.J.A.C. 2:76-17A. et seq.

SADC ID# 17-0107-PG

January 24, 2013

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Pittsgrove Township, Salem County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Pittsgrove Township's FY2013 ("PIG") Planning annual update application on May 24, 2012; and

WHEREAS, on October 17, 2011, the SADC received an application for the sale of a development easement from Pittsgrove Township for the Walters Farm, identified as Block 2101, Lots 16 and 17, Pittsgrove Township, Salem County, totaling approximately 19 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the farm's agricultural production at the time of application was hay and pasture; and

WHEREAS, the Property includes one (1) single family residence; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on November 2, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on May 24, 2012 the SADC certified a development easement value of \$4,900 per acre based on the current zoning and environmental regulations as of March 14, 2012; and

WHEREAS, the Township has contracted with the Owner for \$4,900; and

WHEREAS, to date \$1,250,000 of FY09 and FY11 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Project Area; and

WHEREAS, to date Pittsgrove Township has expended all of its FY09 funds and has a balance of approximately \$223,439.49 of its FY11 SADC grant funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, the Pittsgrove Township Committee approved the application and its funding commitment for \$780/acre or 15.92% of the easement purchase on the Walters Farm on January 23, and the Salem County Agriculture Development Board approved the application on November 28, 2012 and secured a commitment of funding for \$780/acre or 15.92% of the easement purchase from the Salem County Board of Chosen Freeholders for the required local match on December 5, 2012; and

WHEREAS, the estimated cost share break down is as follows (based on 19 acres):

	<u>Cost Share</u>	
SADC	\$63,460	(\$3,340/acre or 68.16%)
Pittsgrove Twp.	\$14,820	(\$780/acre or 15.92%)
Salem County	\$14,820	(\$780/acre or 15.92%)
	\$93,100	(\$4,900/acre)

; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds; and

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Pittsgrove Township for the purchase of a development easement on the Walters Farm, comprising approximately 19 acres, at a State cost share of \$3,340 per acre for an estimated total of \$63,460 (68.16% of certified market value and purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

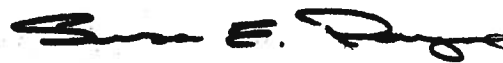
BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Salem County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

1-24-13

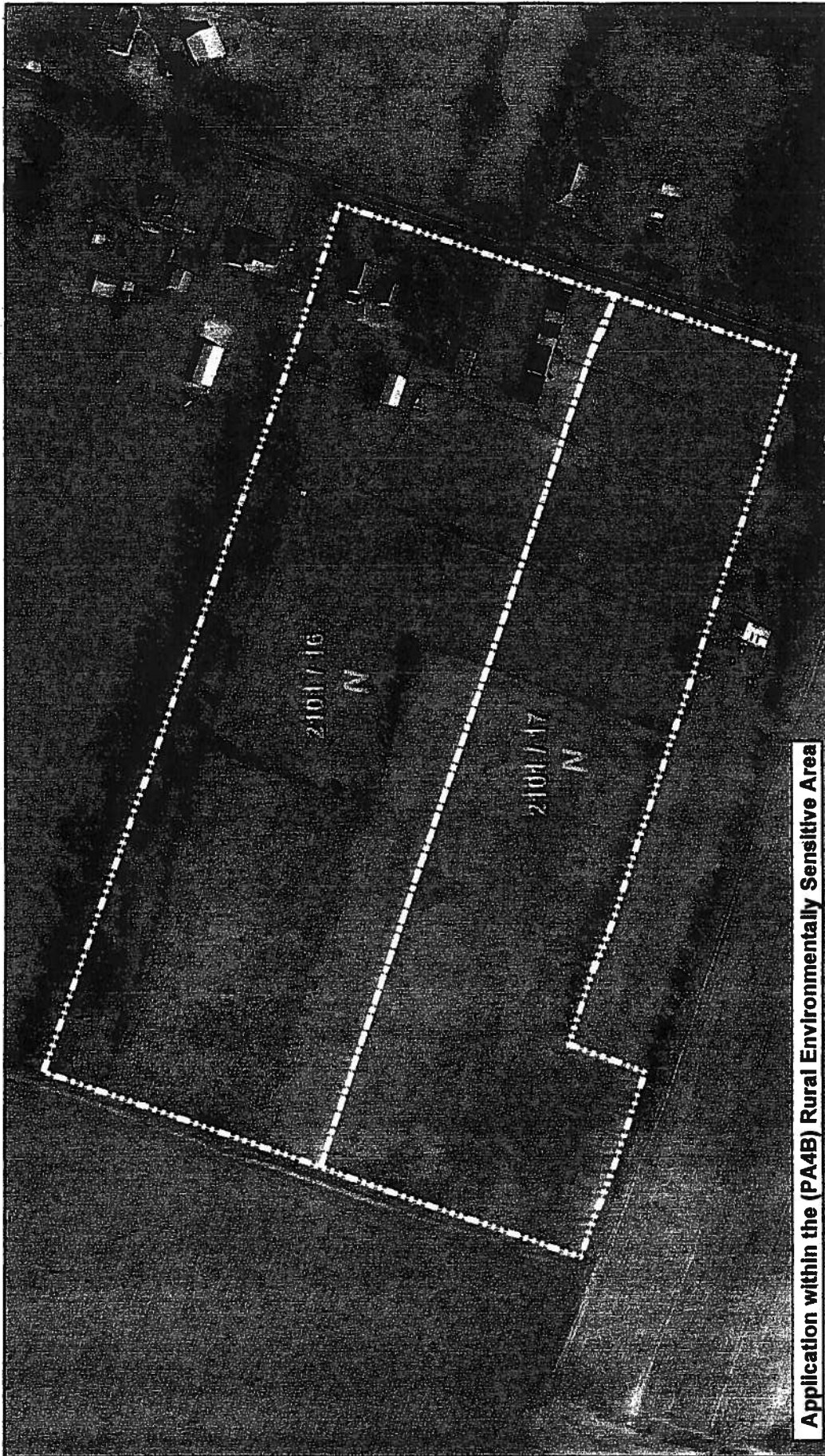
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

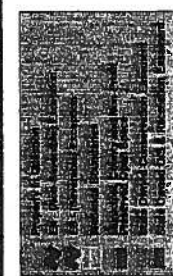
Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES



Application within the (PA4B) Rural Environmentally Sensitive Area

**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Walters, Ellen & Mesiano, Christine
Block 2101 Lots 16 (11.12 ac)
& 17 (8.2 ac)
Gross Total = 19.32 ac
Pittsgrove Twp., Salem County



- Wetlands Legend:**
 F - Freshwater Wetlands
 M - Marine Wetlands
 T - Tidal Wetlands
 N - Non-Wetlands
 W - Water
 B - Buffer
 A - Agricultural Land
 P - Private Land
 S - State Land
 C - County Land
 M - Municipal Land
 F - Federal Land
 U - Unincorporated Land
 S - State Land
 C - County Land
 M - Municipal Land
 F - Federal Land
 U - Unincorporated Land
- Source:**
 NJ State Wetlands Data
 Green Acres Conservation Easement Data
 NJOT/OGIS 2007/2008 Digital Aerial Image

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geospatial accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground points. Vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Schedule B

**Municipal Planning Incentive Grant
Pittsgrove Township, Salem County**

Farm	SADC ID#	Acres	Pay Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	SADC Cost Share	Total Federal Grant	SADC Federal Grant	579 - 07 EPF Expended	FY08 Balance	733 - GSPT Encumbered	FY11 Expended	Balance	Cum Approp 1,250,000.00	Balance
Sadeghian	17-0082-PG	58.000	58.154	8,700.00	8,700.00	5,250.00	305,308.50			305,308.50	444,681.50					
Sara & Goren	17-0089-PG	37.708	37.708	7,800.00	7,800.00	4,800.00	180,998.40			180,998.40	263,693.10					
Camp	17-0091-PG	19.956	19.956	6,150.00	6,150.00	4,975.00	99,281.10			99,281.10	164,412.00					
Lenchiz	17-0090-PG	17.692	17.692	7,000.00	7,000.00	4,400.00	77,844.80			77,844.80	86,567.20					
Sadeghian ancillary costs							7,371.36			7,371.36	79,195.84					
Camp & Lenchiz ancillary costs							8,949.00			8,949.00	70,246.84					
Sara Goren Ancillary costs							6,099.00			6,099.00	64,147.84					
Lin	17-0098-PG	18.512	18.512	5,900.00	5,900.00	3,850.00	71,271.20			71,271.20	0.00		7,123.36	482,876.64		
Wegner	17-0100-PG	18.636	18.627	6,850.00	6,850.00	4,325.00	80,561.78			80,561.78		181,155.37	80,561.78	412,314.86		
Schmidt	17-0095-PG	89.900	89.900	7,100.00		4,450.00	400,055.00	358,889.63	1218,899.63				3,836.50	227,320.99		
Wegner ancillary costs							3,836.50						3,881.50	223,439.49		
Lin Ancillary Costs							3,881.50							159,979.49		
Walters	17-0107-PG	19.000		4,900.00	4,900.00	3,340.00	63,460.00									
Total Pending	7	108.900					63,460.00									
Total Encumbered							551,887.96					244,615.37				
Closed/Expended	5	181.992					776,252.14			776,252.14			58,305.14			159,979.49
Total																

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Walters, Ellen and Mesiano, Christina
17- 0107-PG
FY 2011 PIG EP - Municipal 2007 Rule
19 Acres

Block 2101	Lot 17	Pittsgrove Twp.	Salem County
Block 2101	Lot 16	Pittsgrove Twp.	Salem County

SOILS:	Prime	12% * .15	=	1.80
	Statewide	88% * .1	=	8.80

SOIL SCORE: 10.60

TILLABLE SOILS:	Cropland Pastured	31% * .15	=	4.65
	Cropland Harvested	69% * .15	=	10.35

TILLABLE SOILS SCORE: 15.00

FARM USE:	Hay	7 acres	hay
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.